

Senate File 2340 - Reprinted

SENATE FILE 2340
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3209)

(As Amended and Passed by the Senate February 18, 2010)

A BILL FOR

1 An Act relating to statutory corrections which may adjust
2 language to reflect current practices, insert earlier
3 omissions, delete redundancies and inaccuracies, delete
4 temporary language, resolve inconsistencies and conflicts,
5 update ongoing provisions, or remove ambiguities, and
6 including effective date and applicability provisions.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

MISCELLANEOUS PROVISIONS

Section 1. Section 8.7, Code 2009, is amended to read as follows:

8.7 Reporting of gifts and bequests received.

All gifts and bequests received by a department or accepted by the governor on behalf of the state shall be reported to the Iowa ethics and campaign disclosure board and the general assembly's standing committees on government oversight ~~committees~~. The ethics and campaign disclosure board shall, by January 31 of each year, submit to the fiscal services division of the legislative services agency a written report listing all gifts and bequests received during the previous calendar year with a value over one thousand dollars and the purpose for each such gift or bequest. The submission shall also include a listing of all gifts and bequests received by a department from a person if the cumulative value of all gifts and bequests received by the department from the person during the previous calendar year exceeds one thousand dollars, and the ethics and campaign disclosure board shall include, if available, the purpose for each such gift or bequest. However, the reports on gifts or bequests filed by the state board of regents pursuant to section 8.44 shall be deemed sufficient to comply with the requirements of this section.

Sec. 2. Section 8.9, subsection 2, paragraph b, Code Supplement 2009, is amended to read as follows:

b. The office of grants enterprise management shall submit by July 1 and January 1 of each year to the general assembly's standing committees on government oversight ~~committees~~ a written report summarizing departmental compliance with the requirements of this subsection.

Sec. 3. Section 9H.4, subsection 1, paragraph b, subparagraph (3), subparagraph division (a), subparagraph subdivision (i), Code Supplement 2009, is amended to read as follows:

1 (i) The corporation or limited liability company must not
2 hold the agricultural land other than as a lessee. The term
3 of the lease must be for not more than twelve years. The
4 corporation or limited liability company shall not renew a
5 lease. The corporation or limited liability company shall
6 not enter into a lease under this subparagraph subdivision,
7 if the corporation or limited liability company has ever
8 entered into another lease under this subparagraph (3), whether
9 or not the lease is in effect. However, this subparagraph
10 subdivision does not apply to a domestic corporation organized
11 under chapter 504, Code 1989, or current chapter 504.

12 Sec. 4. Section 12B.6, Code 2009, is amended to read as
13 follows:

14 **12B.6 Certain public funds of political subdivisions.**

15 All funds received, expended, or held by an association of
16 elected county officers before, on, or after June 16, 2005, to
17 implement a state-authorized program, are subject to audit by
18 the auditor of state at the request of the general assembly's
19 standing committees on government oversight ~~committees~~ or the
20 legislative council. All such funds received or held on and
21 after July 1, 2005, shall be deposited in a fund in the office
22 of the treasurer of state.

23 Sec. 5. Section 15G.111, subsection 2, paragraph c, Code
24 Supplement 2009, is amended to read as follows:

25 c. Of the moneys accruing to the fund pursuant to subsection
26 1, paragraph "c", the department, with the approval of the
27 board, may allocate an amount necessary to fund administrative
28 and operations costs. An allocation pursuant to this
29 ~~section~~ paragraph may be made in addition to any allocations
30 made pursuant to subsection 4, paragraph "a".

31 Sec. 6. Section 15G.112, subsection 1, paragraph h, Code
32 Supplement 2009, is amended to read as follows:

33 h. If a business that is approved to receive financial
34 assistance experiences a layoff within this state or closes
35 any of its facilities within this state, the board has the

1 discretion to reduce or eliminate some or all of the amount
2 of financial assistance to be received. If a business has
3 received financial assistance under this ~~part~~ section and
4 experiences a layoff within this state or closes any of its
5 facilities within this state, the business may be subject
6 to repayment of all or a portion of the incentives that the
7 business has received.

8 Sec. 7. Section 15G.115, subsection 3, paragraph b, Code
9 Supplement 2009, is amended to read as follows:

10 b. Consider the recommendation of the due diligence
11 committee, ~~and the agricultural products advisory council, and~~
12 the technology commercialization committee on each application
13 for financial assistance, as described in subsection 2, and
14 take final action on each application.

15 Sec. 8. Section 73.1, unnumbered paragraph 1, Code 2009, is
16 amended to read as follows:

17 Every commission, board, committee, officer, or other
18 governing body of the state, or of any county, township, school
19 district or city, and every person acting as contracting or
20 purchasing agent for any such commission, board, committee,
21 officer, or other governing body shall use only those products
22 and provisions grown and coal produced within the state of
23 Iowa, when they are found in marketable quantities in the
24 state and are of a quality reasonably suited to the purpose
25 intended, and can be secured without additional cost over
26 foreign products or products of other states. This section
27 shall apply to horticultural products grown in this state even
28 if the products are not in the stage of processing that the
29 agency usually purchases the product. However, this section
30 does not apply to a school district purchasing food while the
31 school district is participating in the federal school lunch or
32 breakfast program.

33 Sec. 9. Section 85A.11, subsection 2, Code 2009, is amended
34 to read as follows:

35 2. The specimens for the tests required herein must be taken

1 by a licensed practicing physician or osteopathic physician,
2 and immediately delivered to the ~~university~~ state hygienic
3 laboratory of the Iowa department of public health at Iowa
4 City, and each such specimen shall be in a container upon
5 which is plainly printed the name and address of the subject,
6 the date when the specimen was taken, the name and address of
7 the subject's employer and a certificate by the physician or
8 osteopathic physician that the physician took the specimen
9 from the named subject on the date stated over the physician's
10 signature and address.

11 Sec. 10. Section 99G.7, subsection 1, paragraph g, Code
12 2009, is amended to read as follows:

13 g. Report semiannually to the ~~legislative~~ general
14 assembly's standing committees on government oversight
15 ~~committees~~ regarding the operations of the authority.

16 Sec. 11. Section 99G.21, subsection 3, Code 2009, is amended
17 to read as follows:

18 3. Notwithstanding any other provision of law, any purchase
19 of real property and any borrowing of more than one million
20 dollars by the authority shall require written notice from
21 the authority to the ~~legislative~~ general assembly's standing
22 committees on government oversight ~~committees~~ and the prior
23 approval of the executive council.

24 Sec. 12. Section 99G.40, subsection 4, Code 2009, is amended
25 to read as follows:

26 4. For informational purposes only, the chief executive
27 officer shall submit to the department of management by October
28 1 of each year a proposed operating budget for the authority
29 for the succeeding fiscal year. This budget proposal shall
30 also be accompanied by an estimate of the net proceeds to
31 be deposited into the general fund during the succeeding
32 fiscal year. This budget shall be on forms prescribed by the
33 department of management. A copy of the information required
34 to be submitted to the department of management pursuant to
35 this subsection shall be submitted to the ~~legislative~~ general

1 assembly's standing committees on government oversight
2 ~~committees~~ and the legislative services agency by October 1 of
3 each year.

4 Sec. 13. Section 124.212B, subsection 9, Code Supplement
5 2009, is amended to read as follows:

6 9. The office ~~and the board~~ shall report to the board on
7 an annual basis, beginning January 1, 2010, regarding the
8 repository, including the effectiveness of the repository in
9 discovering unlawful sales of pseudoephedrine products.

10 Sec. 14. Section 135.43, subsection 7, paragraph b, Code
11 Supplement 2009, is amended to read as follows:

12 b. A person in possession or control of medical,
13 investigative, assessment, or other information pertaining to a
14 child death and child abuse review shall allow the inspection
15 and reproduction of the information by the office of the state
16 medical examiner upon the request of the office, to be used
17 only in the administration and for the duties of the Iowa
18 child death review team. Except as provided for a report on
19 a child fatality by an ad hoc child fatality review committee
20 under subsection 4, information and records produced under this
21 section which are confidential under section 22.7 and chapter
22 235A, and information or records received from the confidential
23 records, remain confidential under this section. A person does
24 not incur legal liability by reason of releasing information to
25 the department or the office of the state medical examiner as
26 required under and in compliance with this section.

27 Sec. 15. Section 135.150, subsection 2, Code Supplement
28 2009, is amended to read as follows:

29 2. The department shall report semiannually to the
30 legislative general assembly's standing committees on
31 government oversight ~~committees~~ regarding the operation of the
32 gambling treatment program. The report shall include but is
33 not limited to information on the moneys expended and grants
34 awarded for operation of the gambling treatment program.

35 Sec. 16. Section 135C.41, subsection 2, Code Supplement

1 2009, is amended to read as follows:

2 2. Notify the director that the facility desires to contest
3 the citation and, ~~in the case of citations for Class I, Class~~
4 ~~II, or Class III violations,~~ request an informal conference
5 with a representative of the department.

6 Sec. 17. Section 135C.43, subsection 1, Code Supplement
7 2009, is amended to read as follows:

8 1. A facility which desires to further contest an affirmed
9 or modified citation for a Class I, Class II, or Class III
10 violation, may do so in the manner provided by chapter 17A
11 for contested cases. Notice of intent to formally contest a
12 citation shall be given the department in writing within five
13 days after the informal conference or after receipt of the
14 written explanation of the representative delegated to hold the
15 informal conference, whichever is applicable, in the case of an
16 affirmed or modified citation ~~for a Class I, Class II, or Class~~
17 ~~III violation.~~ A facility which has exhausted all adequate
18 administrative remedies and is aggrieved by the final action of
19 the department may petition for judicial review in the manner
20 provided by chapter 17A.

21 Sec. 18. Section 147.14, subsection 1, paragraphs 1 and o,
22 Code Supplement 2009, are amended to read as follows:

23 1. For the board of physician assistants, five members
24 licensed to practice as physician assistants, at least two of
25 whom practice in counties with a population of less than fifty
26 thousand, one member licensed to practice medicine and surgery
27 who supervises a physician assistant, one member licensed to
28 practice osteopathic medicine and surgery who supervises a
29 physician assistant, and two members who are not licensed to
30 practice either medicine and surgery or osteopathic medicine
31 and surgery or licensed as a physician assistant and who shall
32 represent the general public. At least one of the physician or
33 osteopathic physician members shall be in practice in a county
34 with a population of less than fifty thousand.

35 o. For respiratory care, one licensed physician with

1 training in respiratory care, three respiratory care
2 practitioners who have practiced respiratory care for a minimum
3 of six years immediately preceding their appointment to the
4 board and who are recommended by the society for respiratory
5 care, and one member not licensed to practice medicine,
6 osteopathic medicine, or respiratory care who shall represent
7 the general public.

8 Sec. 19. Section 148.3, subsection 1, paragraph a,
9 unnumbered paragraph 1, Code Supplement 2009, is amended to
10 read as follows:

11 A diploma issued by a medical college or college of
12 osteopathic medicine and surgery approved by the board, or
13 other evidence of equivalent medical education approved by
14 the board. The board may accept, in lieu of a diploma from
15 a medical college or college of osteopathic medicine and
16 surgery approved by the board, all of the following:

17 Sec. 20. Section 153.34, subsection 16, Code Supplement
18 2009, is amended to read as follows:

19 16. ~~The~~ For a dental hygienist, the practice of dentistry by
20 ~~a the dental hygienist; shall also be grounds for discipline~~
21 ~~of the dental hygienist, and for a dentist, the permitting~~
22 ~~of such the practice of dentistry by a dental hygienist by~~
23 the dentist under whose supervision the dental hygienist is
24 operating ~~shall be grounds for disciplining of the dentist.~~

25 Sec. 21. Section 163.30, subsection 5, Code Supplement
26 2009, is amended to read as follows:

27 5. ~~a.~~ All swine moved shall be accompanied by a certificate
28 of veterinary inspection issued by the state of origin and
29 prepared and signed by a veterinarian. The certificate shall
30 show the point of origin, the point of destination, individual
31 identification, immunization status, and, when required,
32 any movement permit number assigned to the shipment by the
33 department. All such movement of swine shall be completed
34 within seventy-two hours unless an extension of time for
35 movement is granted by the department.

1 ~~b.~~ a. However, the requirements of paragraph "a" do not
2 apply as follows:

3 ~~Swine which are~~ swine may be moved intrastate directly to
4 an approved state, federal, or auction market, ~~there~~ without
5 identification or certification, if the swine are to
6 be identified and certificated, ~~are excepted from the~~
7 ~~identification and certification requirements~~ at the auction
8 market.

9 ~~c.~~ b. Registered swine for exhibition or breeding purposes
10 which can be individually identified by an ear notch or tattoo
11 or other method approved by the department are excepted from
12 the ~~additional~~ identification requirement.

13 ~~d.~~ c. Native Iowa swine moved from farm to farm shall
14 be excepted from the identification requirement if the owner
15 transferring possession of the feeder pigs executes a written
16 agreement with the person taking possession of the feeder pigs.
17 The agreement shall provide that the feeder pigs shall not be
18 commingled with other swine for a period of thirty days. The
19 owner transferring possession shall be responsible for making
20 certain that the agreement is executed and for providing a copy
21 of the agreement to the person taking possession.

22 Sec. 22. Section 173.1, subsection 5, Code 2009, is amended
23 to read as follows:

24 5. A secretary to be ~~elected~~ appointed by the board who
25 shall serve as a nonvoting member.

26 Sec. 23. Section 175.8, subsection 4, Code Supplement 2009,
27 is amended to read as follows:

28 4. The authority's executive director, appointed
29 pursuant to section 175.7, shall report semiannually to
30 the ~~legislative~~ general assembly's standing committees
31 on government oversight ~~committees~~ regarding the operations of
32 the authority.

33 Sec. 24. Section 176A.10, subsection 2, Code Supplement
34 2009, is amended to read as follows:

35 2. An extension council of an extension district may choose

1 to be subject to the levy and revenue limits specified in
 2 subparagraphs (2) of subsection 1, paragraphs "a" through
 3 "d", and subsection 1, paragraph "e", for the purpose of the
 4 annual levy for the fiscal year commencing July 1, 1991, which
 5 levy is payable in the fiscal year beginning July 1, 1992.
 6 Before an extension district may be subject to the levy and
 7 revenue limits specified in subparagraphs (2) of subsection
 8 1, paragraphs "a" through "d", and subsection 1, paragraph
 9 "e", for fiscal years beginning on or after July 1, 1992,
 10 which levy is payable in fiscal years beginning on or after
 11 July 1, 1993, the question of whether the district shall be
 12 subject to the levy and revenue limits as specified in such
 13 subsections paragraphs must be submitted to the registered
 14 voters of the district. The question shall be submitted at the
 15 time of a state general election. If the question is approved
 16 by a majority of those voting on the question the levy and
 17 revenue limits specified in subparagraphs (2) of subsection
 18 1, paragraphs "a" through "d", and subsection 1, paragraph
 19 "e", shall thereafter apply to the extension district. The
 20 question need only be approved at one state general election.
 21 If a majority of those voting on the question vote against the
 22 question, the district may continue to submit the question at
 23 subsequent state general elections until approved.

24 Sec. 25. Section 203.19, subsection 2, Code Supplement
 25 2009, is amended to read as follows:

26 2. ~~a.~~ If a cooperative agreement is in effect under this
 27 section, the indemnification requirements of this chapter may
 28 be satisfied by filing with the department evidence of a bond
 29 or an irrevocable letter of credit on file with a state or of
 30 participation in an indemnity fund in a state with which Iowa
 31 has a cooperative agreement as provided for by this section.

32 ~~b.~~—(1) 3. a. Indemnification proceeds shall be copayable
 33 to the state of Iowa for the benefit of sellers of grain under
 34 this chapter.

35 ~~(2)~~ b. Indemnification proceeds required by this chapter

1 may be made copayable to any state with whom this state has
2 entered into contracts or agreements as authorized by this
3 section, for the benefit of sellers of grain in that state.

4 Sec. 26. Section 216.6A, subsection 3, unnumbered paragraph
5 1, Code Supplement 2009, is amended to read as follows:

6 It shall be an affirmative defense ~~for~~ to a claim arising
7 under this section if any of the following applies:

8 Sec. 27. Section 216C.11, subsection 2, Code Supplement
9 2009, is amended to read as follows:

10 2. A person with a disability, a person assisting a person
11 with a disability by controlling a service dog or an assistive
12 animal, or a person training a service dog or an assistive
13 animal has the right to be accompanied by a service dog or an
14 assistive animal, under control, in any of the places listed
15 in sections 216C.3 and 216C.4 without being required to make
16 additional payment for the service dog or assistive animal.
17 A landlord shall waive lease restrictions on the keeping of
18 animals for the service dog or assistive animal of a person
19 with a disability. The person is liable for damage done to any
20 premises or facility by a service dog or assistive animal.

21 Sec. 28. Section 235B.1, subsection 4, paragraph b,
22 subparagraph (1), Code Supplement 2009, is amended to read as
23 follows:

24 (1) The advisory council shall consist of
25 ~~twelve~~ fourteen members. Six members shall be appointed by and
26 serve at the pleasure of the governor. Four of the members
27 appointed shall be appointed on the basis of knowledge and
28 skill related to expertise in the area of dependent adult
29 abuse including professionals practicing in the disciplines of
30 medicine, public health, mental health, long-term care, social
31 work, law, and law enforcement. Two of the members appointed
32 shall be members of the general public with an interest in
33 the area of dependent adult abuse and two of the members
34 appointed shall be members of the Iowa caregivers association.
35 In addition, the membership of the council shall include the

1 director or the director's designee of the department of human
2 services, the department on aging, the Iowa department of
3 public health, and the department of inspections and appeals.

4 Sec. 29. Section 252F.3, subsection 5, Code Supplement
5 2009, is amended to read as follows:

6 5. If a timely written response and request for a court
7 hearing is not received by the unit and a party does not deny
8 paternity, the administrator shall enter an order in accordance
9 with section 252F.4.

10 6. a. If a party contests the establishment of paternity,
11 the party shall submit, within twenty days of service of the
12 notice on the party under subsection 1, a written statement
13 contesting paternity establishment to the unit. Upon receipt
14 of a written challenge of paternity establishment, or upon
15 initiation by the unit, the administrator shall enter ex parte
16 administrative orders requiring the mother, child or children
17 involved, and the putative father to submit to paternity
18 testing. Either the mother or putative father may contest
19 paternity under this chapter.

20 b. The orders shall be filed with the clerk of the district
21 court in the county where the notice was filed and have the
22 same force and effect as a court order for paternity testing.

23 c. The unit shall issue copies of the respective
24 administrative orders for paternity testing to the mother and
25 putative father in person, or by regular mail to the last known
26 address of each, or if applicable, to the last known address of
27 the attorney for each.

28 d. If a paternity test is ordered under this section, the
29 administrator shall direct that inherited characteristics be
30 analyzed and interpreted, and shall appoint an expert qualified
31 as an examiner of genetic markers to analyze and interpret the
32 results. The test shall be of a type generally acknowledged
33 as reliable by accreditation entities designated by the
34 secretary of the United States department of health and human
35 services and shall be performed by a laboratory approved by an

1 accreditation entity.

2 *e.* The party contesting paternity shall be provided one
3 opportunity to reschedule the paternity testing appointment if
4 the testing is rescheduled prior to the date of the originally
5 scheduled appointment.

6 *f.* An original copy of the test results shall be filed
7 with the clerk of the district court in the county where the
8 notice was filed. The child support recovery unit shall issue
9 a copy of the filed test results to each party in person,
10 or by regular mail to the last known address of each, or if
11 applicable, to the last known address of the attorney for
12 each. However, if the action is the result of a request from
13 a foreign jurisdiction, the unit shall issue a copy of the
14 results to the initiating agency in that foreign jurisdiction.

15 *g.* Verified documentation of the chain of custody of the
16 blood or genetic specimens is competent evidence to establish
17 the chain of custody. The testimony of the appointed expert is
18 not required. A verified expert's report of test results which
19 indicate a statistical probability of paternity is sufficient
20 authenticity of the expert's conclusion.

21 *h.* A verified expert's report shall be admitted as evidence
22 to establish administrative paternity, and, if a court hearing
23 is scheduled to resolve the issue of paternity, shall be
24 admitted as evidence and is admissible at trial.

25 *i.* If the verified expert concludes that the test results
26 show that the putative father is not excluded and that the
27 probability of the putative father's paternity is ninety-five
28 percent or higher, there shall be a rebuttable presumption that
29 the putative father is the biological father, and the evidence
30 shall be sufficient as a basis for administrative establishment
31 of paternity.

32 (1) In order to challenge the presumption of paternity, a
33 party shall file a written notice of the challenge with the
34 district court within twenty days from the date the paternity
35 test results are issued or mailed to all parties by the unit.

1 Any challenge to a presumption of paternity resulting from
2 paternity tests, or to paternity test results filed after the
3 lapse of the twenty-day time frame shall not be accepted or
4 admissible by the unit or the court.

5 (2) A copy of the notice challenging the presumption of
6 paternity shall be provided to any other party in person, or
7 by mailing the notice to the last known address of each party,
8 or if applicable, to the last known address of each party's
9 attorney.

10 (3) The party challenging the presumption of paternity
11 has the burden of proving that the putative father is not the
12 father of the child.

13 (4) The presumption of paternity may be rebutted only by
14 clear and convincing evidence.

15 *j.* If the verified expert concludes that the test results
16 indicate that the putative father is not excluded and that the
17 probability of the putative father's paternity is less than
18 ninety-five percent, the administrator shall order a subsequent
19 administrative paternity test or certify the case to the
20 district court for resolution in accordance with the procedures
21 and time frames specified in paragraph "i" and section 252F.5.

22 *k.* If the results of the test or the verified expert's
23 analysis are timely challenged as provided in this subsection,
24 the administrator, upon the request of a party and advance
25 payment by the contestant or upon the unit's own initiative,
26 shall order that an additional test be performed by the
27 same laboratory or an independent laboratory. If the party
28 requesting additional testing does not advance payment, the
29 administrator shall certify the case to the district court in
30 accordance with paragraph "i" and section 252F.5.

31 *l.* When a subsequent paternity test is conducted, the time
32 frames in this chapter associated with paternity tests shall
33 apply to the most recently completed test.

34 *m.* If the paternity test results exclude the putative father
35 as a potential biological father of the child or children, and

1 additional tests are not requested by either party or conducted
 2 on the unit's initiative, or if additional tests exclude the
 3 putative father as a potential biological father, the unit
 4 shall withdraw its action against the putative father and
 5 shall file a notice of the withdrawal with the clerk of the
 6 district court, and shall provide a copy of the notice to each
 7 party in person, or by regular mail sent to each party's last
 8 known address, or if applicable, the last known address of the
 9 party's attorney.

10 *n.* Except as provided in paragraph "k", the unit shall
 11 advance the costs of genetic testing. If paternity is
 12 established and paternity testing was conducted, the unit
 13 shall enter an order or, if the action proceeded to a court
 14 hearing, request that the court enter a judgment for the costs
 15 of the paternity tests consistent with applicable federal
 16 law. In a proceeding under this chapter, a copy of a bill for
 17 genetic testing shall be admitted as evidence without requiring
 18 third-party foundation testimony and shall constitute prima
 19 facie evidence of the amount incurred for genetic testing.

20 Sec. 30. Section 256B.9, subsection 1, paragraphs b, c, and
 21 d, Code 2009, are amended to read as follows:

22 *b.* Children requiring special education who require special
 23 adaptations while assigned to a regular classroom for basic
 24 instructional purposes and pupils with disabilities placed in a
 25 special education class who receive part of their instruction
 26 in regular classrooms are assigned a weighting of one and
 27 eight-tenths ~~for the school year commencing July 1, 1975.~~ This
 28 ~~Effective July 1, 1991, this~~ paragraph also applies to
 29 children requiring special education who require specially
 30 designed instruction while assigned to a regular classroom for
 31 basic instructional purposes.

32 *c.* Children requiring special education who require
 33 full-time, self-contained special education placement with
 34 little integration into a regular classroom are assigned a
 35 weighting of two and two-tenths ~~for the school year commencing~~

1 ~~July 1, 1975.~~ This

2 ~~Effective July 1, 1991,~~ this paragraph also applies to
3 children requiring special education who require substantial
4 modifications, adaptations, or special education accommodations
5 in order to benefit from instruction in an integrated
6 classroom.

7 d. Children requiring special education who have severe
8 disabilities or who have multiple disabilities are assigned
9 a weighting of four and four-tenths ~~for the school year~~
10 ~~commencing July 1, 1975.~~ This

11 ~~Effective July 1, 1991,~~ this paragraph also applies to
12 children requiring special education who have severe and
13 profound disabilities.

14 Sec. 31. Section 256D.3, subsection 3, Code Supplement
15 2009, is amended to read as follows:

16 3. Beginning January 15, 2006, the department shall submit
17 an annual report to the chairpersons and ranking members of
18 the senate and house education committees that includes the
19 statewide average school district class size in basic skills
20 instruction in kindergarten through grade three, by grade
21 level and by district size, and describes school district
22 progress toward achieving early intervention block grant
23 program goals and the ways in which school districts are
24 using moneys received pursuant to this chapter and expended
25 as provided in section ~~256D.2~~ 256D.2A. The report shall
26 include district-by-district information showing the allocation
27 received for early intervention block grant program purposes,
28 the total number of students enrolled in grade four in each
29 district, and the number of students in each district who are
30 not proficient in reading in grade four for the most recent
31 reporting period, as well as for each reporting period starting
32 with the school year beginning July 1, 2001.

33 Sec. 32. Section 256F.2, Code 2009, is amended by adding the
34 following new unnumbered paragraph:

35 NEW UNNUMBERED PARAGRAPH. As used in this chapter, unless

1 the context otherwise requires:

2 Sec. 33. Section 256G.4, subsection 3, paragraph a,
3 subparagraph (2), unnumbered paragraph 1, Code Supplement 2009,
4 is amended to read as follows:

5 Ten members, as follows, who shall be jointly recommended
6 for membership by the president and the director, and shall be
7 jointly approved by the state board of regents and the state
8 board of education, shall serve three-year staggered terms, and
9 shall be eligible to serve for two consecutive three-year terms
10 on the council in addition to any partial, initial term:

11 Sec. 34. Section 257.6, subsection 1, paragraph a,
12 subparagraph (5), Code Supplement 2009, is amended to read as
13 follows:

14 (5) Resident pupils receiving competent private instruction
15 from a licensed practitioner provided through a public
16 school district pursuant to chapter 299A shall be counted as
17 three-tenths of one pupil. Revenues received by a school
18 district attributed to a school district's weighted enrollment
19 pursuant to this ~~paragraph~~ subparagraph shall be expended for
20 the purpose for which the weighting was assigned under this
21 ~~paragraph~~ subparagraph. If the school district determines that
22 the expenditures associated with providing competent private
23 instruction pursuant to chapter 299A are in excess of the
24 revenue attributed to the school district's weighted enrollment
25 for such instruction in accordance with this subparagraph,
26 the school district may submit a request to the school budget
27 review committee for modified allowable growth in accordance
28 with section 257.31, subsection 5, paragraph "n". A home school
29 assistance program shall not provide moneys received pursuant
30 to this subparagraph, nor resources paid for with moneys
31 received pursuant to this subparagraph, to parents or students
32 utilizing the program.

33 Sec. 35. Section 260C.44, Code 2009, is amended to read as
34 follows:

35 **260C.44 Apprenticeship programs.**

1 1. Each community college is authorized to establish or
2 contract for the establishment of apprenticeship programs
3 for apprenticeable occupations. Any apprenticeship program
4 established under this section shall comply with requirements
5 established by the United States department of labor,
6 bureau of apprenticeship and training. Participation in an
7 apprenticeship program or apprenticeship agreement by an
8 apprenticeship sponsor shall be on a voluntary basis.

9 2. For purposes of this section, :

10 a. "Apprentice" means a person who is at least sixteen
11 years of age, except where a higher minimum age is required by
12 law, who is employed in an apprenticeable occupation, and is
13 registered with the United States department of labor, office
14 of apprenticeship.

15 b. "Apprenticeable occupation" means an occupation approved
16 for apprenticeship by the United States department of labor,
17 office of apprenticeship and training.

18 c. "apprenticeship" "Apprenticeship program" means a
19 plan, registered with the United States bureau office of
20 apprenticeship and training which contains the terms and
21 conditions for the qualification, recruitment, selection,
22 employment, and training of apprentices, including the
23 requirement for a written apprenticeship agreement.

24 d. For purposes of this section, "apprenticeship
25 "Apprenticeship sponsor" means a person operating an
26 apprenticeship program or in whose name an apprenticeship
27 program is being operated, registered, or approved.

28 ~~For purposes of this section, "apprenticeable~~
29 ~~occupation" means an occupation approved for apprenticeship by~~
30 ~~the United States department of labor, bureau of apprenticeship~~
31 ~~and training.~~

32 ~~For purposes of this section, "apprentice" means a person who~~
33 ~~is at least sixteen years of age, except where a higher minimum~~
34 ~~age is required by law, who is employed in an apprenticeable~~
35 ~~occupation, and is registered with the United States department~~

1 ~~of labor, bureau of apprenticeship and training.~~

2 Sec. 36. Section 260C.47, subsection 1, unnumbered
3 paragraph 1, Code 2009, is amended to read as follows:

4 The state board of education shall establish an
5 accreditation process for community college programs by July
6 1, 1997. The process shall be jointly developed and agreed
7 upon by the department of education and the community colleges.
8 The state accreditation process shall be integrated with
9 the accreditation process of the north central association
10 of colleges and schools, including the evaluation cycle,
11 the self-study process, and the criteria for evaluation,
12 which shall incorporate the standards for community colleges
13 developed under section 260C.48; and shall identify and make
14 provision for the needs of the state that are not met by the
15 association's accreditation process. For the academic year
16 commencing July 1, 1998, and in succeeding school years, the
17 department of education shall use a two-component process for
18 the continued accreditation of community college programs.
19 ~~Beginning July 1, 2006, the state accreditation process~~
20 ~~shall incorporate the standards developed pursuant to section~~
21 ~~260C.48, subsection 4.~~

22 Sec. 37. Section 272C.4, unnumbered paragraph 2, Code
23 Supplement 2009, is amended by striking the unnumbered
24 paragraph.

25 Sec. 38. NEW SECTION. 272C.11 **Insurers of professional and**
26 **occupational licensees — reports.**

27 Insurance carriers which insure professional and
28 occupational licensees for acts or omissions that constitute
29 negligence, careless acts, or omissions in the practice
30 of a profession or occupation shall file reports with the
31 appropriate licensing board. The reports shall include
32 information pertaining to any lawsuit filed against a licensee
33 which may affect the licensee as defined by rule, involving an
34 insured of the insurer.

35 Sec. 39. Section 282.18, subsection 2, paragraph b, Code

1 Supplement 2009, is amended to read as follows:

2 *b.* The board of the receiving district shall enroll the
3 pupil in a school in the receiving district for the following
4 school year unless the receiving district ~~does not have~~ has
5 insufficient classroom space for the pupil. The board of
6 directors of a receiving district may adopt a policy granting
7 the superintendent of the school district authority to approve
8 open enrollment applications. If the request is granted,
9 the board shall transmit a copy of the form to the parent or
10 guardian and the school district of residence within five days
11 after board action, but not later than June 1 of the preceding
12 school year. The parent or guardian may withdraw the request
13 at any time prior to the start of the school year. A denial of
14 a request by the board of a receiving district is not subject
15 to appeal.

16 Sec. 40. Section 282.18, subsection 13, Code Supplement
17 2009, is amended to read as follows:

18 13. If a request under this section is for transfer to a
19 laboratory school, as described in chapter 265, the student,
20 who is the subject of the request, shall not be included in
21 the basic enrollment of the student's district of residence,
22 and the laboratory school shall report the enrollment of the
23 student directly to the department of education, unless the
24 number of students from the district attending the laboratory
25 school during the current school year, as a result of open
26 enrollment under this section, exceeds the number of students
27 enrolled in the laboratory school from that district during
28 the 1989-1990 school year. If the number of students enrolled
29 in the laboratory school from a district during the current
30 year exceeds the number of students enrolled from that
31 district during the 1989-1990 school year, those students who
32 represent the difference between the current and the 1988-1989
33 school year enrollment figures shall be included in the basic
34 enrollment of the students' districts of residence and the
35 districts shall retain any moneys received as a result of the

1 inclusion of the student in the district enrollment. The total
2 number of students enrolled at a laboratory school during a
3 school year shall not exceed six hundred seventy students. The
4 regents institution operating the laboratory school and the
5 board of directors of the school district in the community
6 in which the regents institution is located shall develop
7 a student transfer policy designed to protect and promote
8 the quality and integrity of the teacher education program
9 at the laboratory school, the viability of the education
10 program of the local school district in which the regents
11 institution is located, and to indicate the order in which and
12 reasons why requests to transfer to a laboratory school shall
13 be considered. A laboratory school may deny a request for
14 transfer under the policy. A denial of a request to transfer
15 under this ~~paragraph~~ subsection is not subject to appeal under
16 section 290.1.

17 Sec. 41. Section 301.28, subsection 1, Code Supplement
18 2009, is amended to read as follows:

19 1. A school district director, officer, or teacher shall
20 not act as agent for school textbooks or school supplies,
21 including sports apparel or equipment, in any transaction
22 with a director, officer, or other staff member of the school
23 district during such term of office or employment.

24 Sec. 42. Section 321.115A, subsection 1, Code Supplement
25 2009, is amended to read as follows:

26 1. A motor vehicle may be registered as a replica vehicle
27 or street rod ~~upon payment of.~~ The annual registration fee
28 is the fee provided for in section 321.109, 321.113, 321.122,
29 or 321.124. The owner of a vehicle registered under this
30 section may display registration plates from or representing
31 the model year of the motor vehicle or the model year of the
32 motor vehicle the registered vehicle is designed to resemble,
33 furnished by the person and approved by the department, in
34 lieu of the current and valid Iowa registration plates issued
35 for the vehicle, provided that the current and valid Iowa

1 registration plates and the registration card issued for the
2 vehicle are simultaneously carried within the vehicle and
3 are available for inspection to any peace officer upon the
4 officer's request.

5 Sec. 43. NEW SECTION. 321.179 **Motorcycle rider education**
6 **fund.**

7 The motorcycle rider education fund is established in
8 the office of the treasurer of state. The moneys credited
9 to the fund are appropriated to the state department of
10 transportation to be used to establish new motorcycle rider
11 education courses and reimburse sponsors of motorcycle rider
12 education courses for the costs of providing motorcycle rider
13 education courses approved and established by the department.
14 The department shall adopt rules under chapter 17A providing
15 for the distribution of moneys to sponsors of motorcycle
16 rider education courses based upon the cost of providing the
17 education courses.

18 Sec. 44. Section 321.180B, subsections 5, 6, and 7, Code
19 Supplement 2009, are amended to read as follows:

20 5. *Class M license education requirements.* A person under
21 the age of eighteen applying for an intermediate or full
22 driver's license valid for the operation of a motorcycle shall
23 be required to successfully complete a motorcycle education
24 course either approved and established by the department of
25 transportation or from a private or commercial driver education
26 school licensed by the department of transportation before the
27 class M license will be issued. A public school district shall
28 charge a student a fee which shall not exceed the actual cost
29 of instruction minus moneys received by the school district
30 under ~~subsection 6~~ section 321.179.

31 ~~6. *Motorcycle rider education fund.* The motorcycle rider~~
32 ~~education fund is established in the office of the treasurer of~~
33 ~~state. The moneys credited to the fund are appropriated to the~~
34 ~~state department of transportation to be used to establish new~~
35 ~~motorcycle rider education courses and reimburse sponsors of~~

~~1 motorcycle rider education courses for the costs of providing~~
~~2 motorcycle rider education courses approved and established by~~
~~3 the department. The department shall adopt rules under chapter~~
~~4 17A providing for the distribution of moneys to sponsors of~~
~~5 motorcycle rider education courses based upon the cost of~~
~~6 providing the education courses.~~

7 7. 6. Rules. The department may adopt rules pursuant to
8 chapter 17A to administer this section.

9 Sec. 45. Section 321.247, Code 2009, is amended to read as
10 follows:

11 **321.247 Golf cart operation on city streets.**

12 1. a. Incorporated areas may, upon approval of their
13 governing body, allow the operation of golf carts on city
14 streets by persons possessing a valid driver's license.
15 However, a golf cart shall not be operated upon a city street
16 which is a primary road extension through the city but shall
17 be allowed to cross a city street which is a primary road
18 extension through the city.

19 b. The golf carts shall be equipped with a slow moving
20 vehicle sign and a bicycle safety flag and operate on the
21 streets only from sunrise to sunset.

22 c. Golf carts operated on city streets shall be equipped
23 with adequate brakes and shall meet any other safety
24 requirements imposed by the governing body.

25 2. Golf carts are not subject to the registration provisions
26 of this chapter.

27 3. ~~A person convicted of a violation of this section is~~
28 ~~guilty of~~ who violates subsection 1 commits a simple
29 misdemeanor punishable as a scheduled violation under section
30 805.8A, subsection 3, paragraph "f".

31 Sec. 46. Section 321.295, Code 2009, is amended to read as
32 follows:

33 **321.295 Limitation on bridge or elevated structures.**

34 1. ~~No~~ A person shall not drive a vehicle on any public
35 bridge or elevated structure at a speed which is greater than

1 the maximum speed permitted under this chapter on the street
 2 or highway at a point where said street or highway joins said
 3 bridge or elevated structure, ~~provided that.~~ However, if the
 4 maximum speed permitted on said street or highway differs from
 5 the maximum speed on any other street or highway joining said
 6 bridge or elevated structure, then the lowest of ~~said~~ those
 7 maximum speeds shall be the maximum speed limit on said bridge
 8 or elevated structure, ~~subject to the following:~~

9 The unless the department, upon request from any local
 10 authority ~~shall,~~ or upon its own initiative ~~may, conduct,~~
 11 has conducted an investigation of ~~any the~~ bridge or other
 12 elevated structure constituting a part of a the highway, and
 13 ~~if it shall thereupon find~~ has found that ~~such the~~ structure
 14 cannot with safety to itself withstand vehicles traveling at
 15 the speed otherwise permissible under this chapter, Under
 16 those circumstances, the department shall determine and declare
 17 the maximum speed of vehicles which ~~such the~~ structure can
 18 withstand, and shall cause or permit suitable signs stating
 19 such maximum speed to be erected and maintained at a distance
 20 of two hundred feet before each end of such structure.

21 2. ~~No~~ A person shall not drive a vehicle over any bridge
 22 or other elevated structure constituting a part of a highway
 23 at a speed which is greater than the maximum speed which can
 24 be maintained with safety to such bridge or structure, when
 25 ~~such the~~ structure is signposted as provided in this section.

26 3. Upon the trial of any person charged with driving
 27 a vehicle at a speed which is greater than the maximum
 28 speed which can be maintained with safety to such bridge or
 29 structure, proof of such determination of the maximum speed
 30 by said department and the existence of said signs shall
 31 constitute conclusive evidence of the maximum speed which can
 32 be maintained with safety to such bridge or structure.

33 Sec. 47. Section 321.385A, Code 2009, is amended to read as
 34 follows:

35 **321.385A Citation for unlighted headlamp or rear lamp.**

1 1. a. A citation issued for failure to have headlamps
2 as required under section 321.385 shall first provide for a
3 seventy-two hour period within which the person charged with
4 the violation shall replace or repair the headlamp. ~~If the~~
5 ~~person complies with the directive to replace or repair the~~
6 ~~headlamp within the allotted time period, the citation shall be~~
7 ~~expunged. If the person fails to comply within the allotted~~
8 ~~time period, the citation shall be processed in the same manner~~
9 ~~as other citations. A citation issued under this section shall~~
10 ~~include a written notice of replacement or repair which shall~~
11 ~~indicate the date of replacement or repair and the manner in~~
12 ~~which the replacement or repair occurred and which shall be~~
13 ~~returned to the issuing authority within the seventy-two hour~~
14 ~~time period.~~

15 b. A citation issued for failure to have rear lamps as
16 required under section 321.387 or a rear registration plate
17 light as required under section 321.388 shall first provide for
18 a seventy-two hour period within which the person charged with
19 the violation shall replace or repair the lamps or light. ~~If~~
20 ~~the person complies with the directive to replace or repair the~~
21 ~~lamps or light within the allotted time period, the citation~~
22 ~~shall be expunged. If the person fails to comply within the~~
23 ~~allotted time period, the citation shall be processed in the~~
24 ~~same manner as other citations.~~

25 2. If the person complies with the directive to replace or
26 repair the headlamp, rear lamps, or rear registration plate
27 light within the allotted time period, the citation shall be
28 expunged. If the person fails to comply within the allotted
29 time period, the citation shall be processed in the same manner
30 as other citations.

31 3. A citation issued under this section shall include a
32 written notice of replacement or repair which shall indicate
33 the date of replacement or repair and the manner in which the
34 replacement or repair occurred and which shall be returned to
35 the issuing authority within the seventy-two hour time period.

1 Sec. 48. Section 321.449, subsections 1 and 4, Code
2 Supplement 2009, are amended to read as follows:

3 1. a. A person shall not operate a commercial vehicle on
4 the highways of this state except in compliance with rules
5 adopted by the department under chapter 17A. The rules shall
6 be consistent with the federal motor carrier safety regulations
7 promulgated under United States Code, Tit. 49, and found in 49
8 C.F.R. pts. 385, 390 – 399 and adopted under chapter 17A.

9 b. The department shall also adopt rules concerning hours of
10 service for drivers of vehicles operated for hire and designed
11 to transport seven or more persons, including the driver. The
12 rules shall not apply to vehicles offered to the public for
13 hire that are used principally in intracity operation and that
14 are regulated by local authorities pursuant to section 321.236.

15 4. a. Notwithstanding other provisions of this section,
16 rules adopted under this section for drivers of commercial
17 vehicles shall not apply to a driver of a commercial vehicle
18 who is engaged exclusively in intrastate commerce, when the
19 commercial vehicle's gross vehicle weight rating is twenty-six
20 thousand pounds or less, unless the vehicle is used to
21 transport hazardous materials requiring a placard or if the
22 vehicle is designed to transport more than fifteen passengers,
23 including the driver. For the purpose of complying with the
24 hours of service recordkeeping requirements under 49 C.F.R.
25 § 395.1(e)(1)(v)(A – D), a driver's report of daily beginning
26 and ending on-duty time submitted to the motor carrier at the
27 end of each workweek shall be considered acceptable motor
28 carrier time records.

29 b. In addition, rules adopted under this section shall not
30 apply to a driver operating intrastate for a farm operation
31 as defined in section 352.2, or for an agricultural interest
32 when the commercial vehicle is operated between the farm as
33 defined in section 352.2 and another farm, between the farm
34 and a market for farm products, or between the farm and an
35 agribusiness location.

1 c. A driver or a driver-salesperson for a private carrier,
2 who is not for hire and who is engaged exclusively in
3 intrastate commerce, may drive twelve hours, be on duty sixteen
4 hours in a twenty-four-hour period, and be on duty seventy
5 hours in seven consecutive days or eighty hours in eight
6 consecutive days. A "driver-salesperson" means as defined in 49
7 C.F.R. § 395.2, as adopted by the department by rule.

8 d. For-hire drivers who are engaged exclusively in
9 intrastate commerce and who operate trucks and truck
10 tractors exclusively for the movement of construction
11 materials and equipment to and from construction projects
12 may also drive twelve hours, be on duty sixteen hours in a
13 twenty-four-hour period, and be on duty seventy hours in seven
14 consecutive days or eighty hours in eight consecutive days. A
15 ~~"driver-salesperson" means as defined in 49 C.F.R. § 395.2, as~~
16 ~~adopted by the department by rule.~~

17 Sec. 49. Section 321I.22, subsection 9, Code Supplement
18 2009, is amended to read as follows:

19 9. The commission may adopt rules consistent with this
20 chapter establishing minimum requirements for dealers. In
21 adopting such rules, the ~~department~~ commission shall consider
22 the need to protect persons, property, and the environment
23 and to promote uniformity of practices relating to the sale
24 and use of all-terrain vehicles. The commission may also
25 adopt rules providing for the suspension or revocation of a
26 dealer's special registration certificate issued pursuant to
27 this section.

28 Sec. 50. Section 404A.4, subsection 2, Code Supplement
29 2009, is amended to read as follows:

30 2. After verifying the eligibility for the tax credit,
31 the state historic preservation office shall issue a historic
32 preservation and cultural and entertainment district tax credit
33 certificate to be attached to the person's tax return. The tax
34 credit certificate shall contain the taxpayer's name, address,
35 tax identification number, the date of project completion, the

1 amount of credit, other information required by the department
2 of revenue, and a place for the name and tax identification
3 number of a transferee and the amount of the tax credit being
4 transferred. Of the amount of tax credits that may be approved
5 in a fiscal year pursuant to subsection 4, paragraph "a":

6 a. For the fiscal year beginning July 1, 2009, the
7 ~~department~~ office shall reserve not more than twenty million
8 dollars worth of tax credits for a taxable year beginning on or
9 after January 1, 2009, and not more than thirty million dollars
10 worth of tax credits for a taxable year beginning on or after
11 January 1, 2010.

12 b. For the fiscal year beginning July 1, 2010, the
13 ~~department~~ office shall reserve not more than twenty million
14 dollars worth of tax credits for a taxable year beginning on or
15 after January 1, 2010, and not more than thirty million dollars
16 worth of tax credits for a taxable year beginning on or after
17 January 1, 2011.

18 c. For the fiscal year beginning July 1, 2011, the
19 ~~department~~ office shall reserve not more than twenty million
20 dollars worth of tax credits for a taxable year beginning on or
21 after January 1, 2011, and not more than thirty million dollars
22 worth of tax credits for a taxable year beginning on or after
23 January 1, 2012.

24 Sec. 51. Section 404A.4, subsection 4, paragraph b,
25 subparagraph (4), Code Supplement 2009, is amended to read as
26 follows:

27 (4) Twenty percent of the dollar amount of the tax credits
28 shall be allocated for projects that involve the creation
29 of more than five hundred new permanent jobs. A taxpayer
30 receiving a tax credit certificate for a project under this
31 allocation shall provide information documenting the creation
32 of the jobs to the ~~department~~ state historic preservation
33 office and to the department of economic development. The
34 jobs shall be created within two years of the date a tax
35 credit certificate is issued. The department of economic

1 development shall verify the creation of the jobs. The amount
 2 of any tax credits received is subject to recapture by the
 3 department of revenue if the jobs are not created within two
 4 years. The ~~department~~ state historic preservation office and
 5 the department of economic development may adopt rules for the
 6 implementation of this subparagraph. The rules shall provide
 7 for a method or form that allows a city or county to track the
 8 number of jobs created in the construction industry by the
 9 project.

10 Sec. 52. Section 428.29, Code Supplement 2009, is amended
 11 to read as follows:

12 **428.29 Assessment and certification.**

13 The director of revenue shall on or before October 31
 14 each year proceed to determine, upon the basis of the data
 15 required in ~~such the~~ report under section 428.28 and any other
 16 information the director may obtain, the actual value of all
 17 property, subject to the director's jurisdiction, of said
 18 individual, partnership, corporation, or association, and shall
 19 make assessments upon the taxable value of the property, as
 20 provided by section 441.21. The director of revenue shall, on
 21 or before October 31, certify to the county auditor of every
 22 county in the state the valuations fixed for assessment upon
 23 all such property in each and every taxing district in each
 24 county by the department of revenue. This valuation shall then
 25 be spread upon the books in the same manner as other valuations
 26 fixed by the department of revenue upon property assessed under
 27 the department's jurisdiction.

28 Sec. 53. Section 435.2, subsection 3, Code Supplement 2009,
 29 is amended to read as follows:

30 ~~3. If a modular home is placed in a manufactured home~~
 31 ~~community or mobile home park, the home is subject to the~~
 32 ~~annual tax as required by section 435.22.~~ For the purposes of
 33 this chapter, a modular home shall not be construed to be a
 34 mobile home or manufactured home. If a modular home is placed
 35 inside or outside a manufactured home community or a mobile

1 home park, the home shall be considered real property and is
 2 to be assessed and taxed as real estate. ~~This subsection does~~
 3 ~~not apply to manufactured home communities or mobile home parks~~
 4 ~~in existence on or before January 1, 1998.~~ If However, if a
 5 modular home is placed in a manufactured home community or
 6 mobile home park which was in existence on or before January
 7 1, 1998, that modular home shall be subject to property tax
 8 pursuant to section 435.22. This subsection shall not prohibit
 9 the location of a modular home within a manufactured home
 10 community or mobile home park.

11 Sec. 54. Section 437A.22, subsection 2, paragraph c, Code
 12 Supplement 2009, is amended to read as follows:

13 c. The recorder shall endorse on each notice of lien the
 14 day, hour, and minute when filed for recording and the document
 15 reference number, shall preserve such notice, and shall
 16 promptly record the lien in the manner provided for recording
 17 real estate mortgages. The lien is effective from the time of
 18 the indexing of the lien.

19 Sec. 55. Section 455B.103, subsection 4, unnumbered
 20 paragraph 1, Code Supplement 2009, is amended to read as
 21 follows:

22 Conduct investigations of complaints received directly
 23 or referred by the commission created in section 455A.6 or
 24 other investigations deemed necessary. While conducting an
 25 investigation, the director may enter at any reasonable time
 26 in and upon any private or public property to investigate any
 27 actual or possible violation of this chapter, chapter 459,
 28 chapter 459A, chapter 459B, or the rules or standards adopted
 29 under this chapter, chapter 459, chapter 459A, or chapter 459B.
 30 However, the owner or person in charge shall be notified.

31 Sec. 56. Section 455B.191, subsection 3, paragraph a,
 32 subparagraphs (2) and (3), Code Supplement 2009, are amended
 33 to read as follows:

34 (2) Introduces into a sewer system or into a publicly owned
 35 treatment works any pollutant or hazardous substance which

1 the person knew or reasonably should have known could cause
2 personal injury or property damage ~~or, other than in compliance~~
3 ~~with all applicable federal and state requirements or permits.~~

4 (3) Causes a treatment works to violate any water quality
5 standard, effluent standard, pretreatment standard or
6 condition of a permit issued to the treatment works pursuant to
7 section 455B.183, unless the person is in compliance with all
8 applicable federal and state requirements or permits.

9 Sec. 57. Section 455B.474, unnumbered paragraph 2, Code
10 Supplement 2009, is amended by striking the unnumbered
11 paragraph.

12 Sec. 58. NEW SECTION. **455B.474A Rules consistent with**
13 **federal regulations.**

14 The rules adopted by the commission under section
15 455B.474 shall be consistent with and shall not exceed the
16 requirements of federal regulations relating to the regulation
17 of underground storage tanks except as provided in section
18 455B.474, subsection 1, paragraph "f", and subsection 3,
19 paragraph "d". It is the intent of the general assembly that
20 state rules adopted pursuant to section 455B.474, subsection 1,
21 paragraph "f", and subsection 3, paragraph "d", be consistent
22 with and not more restrictive than federal regulations adopted
23 by the United States environmental protection agency when those
24 rules are adopted.

25 Sec. 59. Section 459B.102, subsection 12, Code Supplement
26 2009, is amended to read as follows:

27 12. *"Dry bedded confinement feeding operation structure"*
28 means a dry bedded manure confinement feeding operation
29 building or a dry bedded manure storage structure.

30 Sec. 60. Section 459B.103, subsections 3 and 5, Code
31 Supplement 2009, are amended to read as follows:

32 3. a. For purposes of determining whether two or more
33 dry bedded confinement feeding operations are under common
34 ownership, a person must hold an interest in each of the dry
35 bedded confinement feeding operations as any of the following:

1 (1) A sole proprietor.

2 (2) A joint tenant or tenant in common.

3 (3) A holder of a majority equity interest in a business
4 association as defined in section 202B.102, including but not
5 limited to as a shareholder, partner, member, or beneficiary.

6 b. An interest in the dry bedded confinement feeding
7 operation under paragraph "a", subparagraph ~~(1)~~ (2) or
8 ~~(2)~~ (3) which is held directly or indirectly by the person's
9 spouse or dependent child shall be attributed to the person.

10 5. In calculating the animal unit capacity of a dry bedded
11 confinement feeding operation, the animal unit capacity
12 shall include the animal unit capacity of all dry bedded
13 manure confinement feeding operation buildings that are used to
14 house animals in the dry bedded confinement feeding operation.

15 Sec. 61. Section 459B.308, Code Supplement 2009, is amended
16 to read as follows:

17 **459B.308 Manure management plan for a dry bedded confinement**
18 **feeding operation.**

19 For purposes of a manure management plan for a dry bedded
20 confinement feeding operation, if the application of dry bedded
21 manure is on land other than land owned or rented for crop
22 production by the owner of the dry bedded confinement feeding
23 operation, the plan shall include a copy of each written
24 agreement executed by the owner of the dry bedded confinement
25 feeding operation and the landowner or the person renting the
26 land for crop production where the dry bedded manure may be
27 applied.

28 Sec. 62. Section 508E.12, subsection 2, paragraph a,
29 subparagraphs (1) and (2), Code 2009, are amended to read as
30 follows:

31 (1) Unencumbered assets, including an interest in the life
32 insurance policy being financed only to the extent of its net
33 cash surrender value, provided by a person described in section
34 508E.2, subsection 15, paragraph "d", subparagraph (5).

35 (2) Fully recourse liability incurred by the insured or a

1 person described in section 508E.2, subsection 15, paragraph
2 "d", subparagraph (5).

3 Sec. 63. Section 805.6, Code Supplement 2009, is amended to
4 read as follows:

5 **805.6 Uniform citation and complaint.**

6 1. a. ~~{1}~~ The commissioner of public safety, the director
7 of transportation, and the director of the department of
8 natural resources, acting jointly, shall adopt a uniform,
9 combined citation and complaint which shall be used for
10 charging all traffic violations in Iowa under state law or
11 local regulation or ordinance, and which shall be used for
12 charging all other violations which are designated by sections
13 805.8A, 805.8B, and 805.8C to be scheduled violations. ~~The~~
14 ~~filing fees and court costs in cases of parking meter and~~
15 ~~overtime parking violations which are denied are as stated in~~
16 ~~section 602.8106, subsection 1. The court costs in scheduled~~
17 ~~violation cases where a court appearance is not required are~~
18 ~~as stated in section 602.8106, subsection 1. The court costs~~
19 ~~in scheduled violation cases where a court appearance is~~
20 ~~required are as stated in section 602.8106, subsection 1. This~~
21 subsection does not prevent the charging of any of those
22 violations by information, by private complaint filed under
23 chapter 804, or by a simple notice of fine where permitted by
24 section 321.236, subsection 1.

25 b. In addition to those violations which are required
26 by paragraph "a" to be charged upon a uniform citation and
27 complaint, a violation of chapter 321 which is punishable as a
28 simple, serious, or aggravated misdemeanor may be charged upon
29 a uniform citation and complaint, whether or not the alleged
30 offender is arrested by the officer making the charge.

31 2. Each uniform citation and complaint shall be serially
32 numbered and shall be in quintuplicate, and the officer
33 shall deliver the original and a copy to the court where the
34 defendant is to appear, two copies to the defendant, and a copy
35 to the law enforcement agency of the officer. Notwithstanding

1 other contrary requirements of this section, a uniform citation
2 and complaint may be originated from a computerized device.
3 The officer issuing the citation through a computerized device
4 shall electronically sign and date the citation or complaint
5 and shall obtain electronically the signature of the person
6 cited as provided in section 805.3 and shall give two copies
7 of the citation to the person cited and shall provide a record
8 of the citation to the court where the person cited is to
9 appear and to the law enforcement agency of the officer by
10 an electronic process which accurately reproduces or forms
11 a durable medium for accurately and legibly reproducing an
12 unaltered image or copy of the citation. If the uniform
13 citation and complaint is created electronically, the issuing
14 agency shall cause the uniform citation and complaint to be
15 transmitted to the court, and the officer shall deliver a
16 document to the defendant which contains a section for the
17 defendant and a section which may be sent to the court. The
18 court shall forward an abstract of the uniform citation and
19 complaint in accordance with section 321.491 when applicable.

20 {2} 3. a. The uniform citation and complaint shall contain
21 spaces for the parties' names; the address of the alleged
22 offender; the registration number of the offender's vehicle;
23 the information required by section 805.2, a warning which
24 states, "~~I~~ I hereby swear and affirm that the information
25 provided by me on this citation is true under penalty of
26 providing false ~~information~~ information; and a statement
27 that providing false information is a violation of section
28 719.3; a list of the scheduled fines prescribed by sections
29 805.8A, 805.8B, and 805.8C, either separately or by group, and
30 a statement of the court costs payable in scheduled violation
31 cases, whether or not a court appearance is required or is
32 demanded; a brief explanation of sections 805.9 and 805.10;
33 and a space where the defendant may sign an admission of the
34 violation when permitted by section 805.9; and the uniform
35 citation and complaint shall require that the defendant appear

1 before a court at a specified time and place. The uniform
2 citation and complaint also may contain a space for the
3 imprint of a credit card, and may contain any other information
4 which the commissioner of public safety, the director of
5 transportation, and the director of the department of natural
6 resources may determine.

7 ~~(3) Notwithstanding other contrary requirements of this~~
8 ~~section, a uniform citation and complaint may be originated~~
9 ~~from a computerized device. The officer issuing the citation~~
10 ~~through a computerized device shall electronically sign and~~
11 ~~date the citation or complaint and shall obtain electronically~~
12 ~~the signature of the person cited as provided in section~~
13 ~~805.3 and shall give two copies of the citation to the person~~
14 ~~cited and shall provide a record of the citation to the court~~
15 ~~where the person cited is to appear and to the law enforcement~~
16 ~~agency of the officer by an electronic process which accurately~~
17 ~~reproduces or forms a durable medium for accurately and legibly~~
18 ~~reproducing an unaltered image or copy of the citation.~~

19 b. The uniform citation and complaint shall also contain the
20 following:

21 (1) A promise to appear as provided in section 805.3.

22 (2) The following statement:

23 I hereby give my unsecured appearance bond in the amount
24 of dollars and enter my written appearance.
25 I agree that if I fail to appear in person or by counsel to
26 defend against the offense charged in this citation the court
27 is authorized to enter a conviction and render judgment against
28 me for the amount of my appearance bond in satisfaction of the
29 penalty plus court costs.

30 (3) A space immediately below the items in subparagraphs
31 (1) and (2) for the signature of the person being charged which
32 shall serve for each of the items in subparagraphs (1) and (2).

33 (4) A place for citing a person in violation of section
34 453A.2, subsection 2.

35 c. The uniform citation and complaint shall contain a place

1 for the verification of the officer issuing the complaint.

2 The complaint may be verified before the chief officer of the
 3 law enforcement agency, or the chief officer's designee. The
 4 chief officer of each law enforcement agency of the state may
 5 designate specific individuals to administer oaths and certify
 6 verifications.

7 ~~c.~~ 4. Unless the officer issuing the citation arrests the
 8 alleged offender, or permits admission or requires submission
 9 of bail as provided in section 805.9, subsection 3, the officer
 10 shall enter in the blank contained in the statement required by
 11 subsection 3, paragraph "b", one of the following amounts and
 12 shall require the person to sign the written appearance:

13 {1} a. If the offense is one to which an assessment of
 14 a minimum fine is applicable and the entry is otherwise not
 15 prohibited by this section, an amount equal to one and one-half
 16 times the minimum fine plus court costs.

17 {2} b. If the offense is one to which a scheduled fine
 18 is applicable, an amount equal to one and one-half times the
 19 scheduled fine plus court costs.

20 {3} c. If the violation is for any offense for which a
 21 court appearance is mandatory, and an assessment of a minimum
 22 fine is not applicable, the amount of one hundred dollars plus
 23 court costs.

24 ~~d.~~ 5. The written appearance defined in subsection
 25 3, paragraph "b", shall not be used for any offense other than a
 26 simple misdemeanor.

27 ~~2. In addition to those violations which are required~~
 28 ~~by subsection 1 to be charged upon a uniform citation and~~
 29 ~~complaint, a violation of chapter 321 which is punishable as a~~
 30 ~~simple, serious, or aggravated misdemeanor may be charged upon~~
 31 ~~a uniform citation and complaint, whether or not the alleged~~
 32 ~~offender is arrested by the officer making the charge.~~

33 ~~3. The uniform citation and complaint shall contain a place~~
 34 ~~for citing a person in violation of section 453A.2, subsection~~
 35 ~~2.~~

1 6. The filing fees and court costs in cases of parking
2 meter and overtime parking violations which are denied are as
3 stated in section 602.8106, subsection 1. The court costs
4 in scheduled violation cases where a court appearance is not
5 required are as stated in section 602.8106, subsection 1.
6 The court costs in scheduled violation cases where a court
7 appearance is required are as stated in section 602.8106,
8 subsection 1.

9 4. 7. Supplies of the uniform citation and complaint
10 for municipal corporations and county agencies shall be paid
11 for out of the budget of the municipal corporation or county
12 receiving the fine resulting from use of the citation and
13 complaint. Supplies of the uniform citation and complaint form
14 used by other agencies shall be paid for out of the budget of
15 the agency concerned and not out of the budget of the judicial
16 branch.

17 ~~5. The uniform citation and complaint shall contain a place~~
18 ~~for the verification of the officer issuing the complaint.~~
19 ~~The complaint may be verified before the chief officer of the~~
20 ~~law enforcement agency, or the chief officer's designee. The~~
21 ~~chief officer of each law enforcement agency of the state may~~
22 ~~designate specific individuals to administer oaths and certify~~
23 ~~verifications.~~

24 ~~6.~~ 8. The commissioner of public safety and the director
25 of the department of natural resources, acting jointly, shall
26 design and publish a compendium of scheduled violations and
27 scheduled fines, containing other information which they deem
28 appropriate, and shall distribute copies to all courts and law
29 enforcement officers and agencies of the state upon request.
30 The cost of the publication shall be paid out of the budget
31 of the department of public safety and out of the budget of
32 the department of natural resources, each budget being liable
33 for half of those costs. Copies shall be made available to
34 individuals upon request, and a charge may be collected which
35 does not exceed the cost of printing.

1 ~~7. Supplies of uniform citation and complaint forms~~
2 ~~existing or on order on July 1, 1995, may be used until~~
3 ~~exhausted.~~

4 Sec. 64. Section 808B.10, subsection 1, unnumbered
5 paragraph 1, Code Supplement 2009, is amended to read as
6 follows:

7 Except for emergency situations pursuant to section 808B.12,
8 a person shall not install or use a pen register or a trap
9 and trace device without first obtaining a search warrant or
10 court order pursuant to ~~either section 808B.11 or 808B.12.~~

11 However, a pen register or a trap and trace device may be used
12 or installed without court order if any of the following apply:

13 Sec. 65. Section 811.9, Code Supplement 2009, is amended to
14 read as follows:

15 **811.9 Forfeiture of appearance bond.**

16 Sections 811.6 through 811.8 shall not apply in a case where
17 a simple misdemeanor is charged upon a uniform citation and
18 complaint and where the defendant has submitted an unsecured
19 appearance bond or has submitted bail in the form of cash,
20 check, credit card as provided in section 805.14, or guaranteed
21 arrest bond certificate as defined in section 321.1. When a
22 defendant fails to appear as required in such cases, the court,
23 or the clerk of the district court, shall enter a judgment of
24 forfeiture of the bond or bail. The judgment shall be final
25 upon entry and shall not be set aside unless a the conviction
26 is for a scheduled violation under chapter 321 that was set
27 aside under the procedures established in section 321.200A.

28 Sec. 66. 2009 Iowa Acts, chapter 133, is amended by adding
29 the following new section:

30 SEC. 1000. Section 231.32, subsection 1, Code 2009, is
31 amended to read as follows:

32 1. The commission shall designate thirteen area agencies
33 on aging, the same of which existed on July 1, 1985. The
34 commission shall continue the designation until an area agency
35 on aging's designation is removed for cause as determined

1 by the commission or until the agency voluntarily withdraws
2 as an area agency on aging. In that event, the commission
3 shall proceed in accordance with subsections 2, ~~and 3~~, and
4 4. Designated area agencies on aging shall comply with the
5 requirements of the federal Act.

6 Sec. 67. REPEAL. Section 294A.22, Code Supplement 2009, is
7 repealed.

8 DIVISION II

9 VOLUME III RENUMBERING

10 Sec. 68. Section 256.36, Code 2009, is amended to read as
11 follows:

12 **256.36 Math and science grant program.**

13 1. a. The department shall establish a math and science
14 education grant program to provide for the allocation of grant
15 moneys to public school corporations and to contract for the
16 development of statewide program models and recommendations in
17 keeping with the goals stated in this section.

18 (1) A public school corporation desiring to receive grant
19 moneys under the program may submit plans and a proposed budget
20 to the department for approval. The department shall review
21 each plan and its proposed budget and award grants, which may
22 be matching funds grants, for approved plans by July 1 of the
23 calendar year in which the approved plans were submitted.
24 Provision of matching funds from institutional private sources
25 shall be considered by the department in reviewing plans and
26 proposed budgets and awarding grant moneys.

27 (2) However, for the first school year for which program
28 funds are appropriated, a board of directors of a public school
29 corporation may submit a proposed plan and budget not later
30 than January 1 of that school year and the department shall
31 notify public school corporations by February 15 of that same
32 school year that their plans have been approved or disapproved
33 by the department.

34 b. In addition to awarding grants, and if the activity
35 does not violate federal matching funds requirements for an

1 Iowa math and science grant program, the department may expend
2 funds to contract with a public or private nonprofit education
3 organization, association, or laboratory for the development
4 of models or recommendations with statewide applications to
5 further the goals of this section.

6 2. The department shall make recommendations for, and the
7 state board shall adopt, rules relating to program goals and
8 program administration.

9 a. The goals of the math and science education program may
10 include, but are not limited to, the following:

11 (1) The development of a model multidisciplinary science
12 curricula that will serve as the framework for the development
13 of individual teaching modules, ~~the~~.

14 (2) The design and implementation of a statewide model for
15 staff development in science and math education, ~~the~~.

16 (3) The development of specific recommendations and
17 rationale for changes in school standards that will facilitate
18 improvements in math and science education and provide outcomes
19 that serve as a standard of successful learning, ~~the~~.

20 (4) The provision of a sequence of competencies and
21 instructional strategies for inclusion in teacher preparation
22 programs for those entering math and science programs in Iowa
23 teacher preparation institutions, ~~the~~.

24 (5) The development and implementation of a new statewide
25 assessment program that is consistent with the materials and
26 approaches envisioned, ~~and the~~.

27 (6) The development and implementation strategies for
28 recruitment and retention of females and minorities in math and
29 science education.

30 b. Program administration rules shall include but are not
31 limited to development of standard formats and procedures for
32 the submission and assessment of grant applications.

33 3. The board of educational examiners may develop
34 recommendations for specific changes in the licensing
35 requirements for math and science teachers.

1 ~~Program administration rules shall include, but are not~~
2 ~~limited to, development of standard formats and procedures for~~
3 ~~the submission and assessment of grant applications.~~

4 ~~3.~~ 4. There is established in the state treasury a math
5 and science education account that is under the control
6 of and administered by the department of education. The
7 department may accept gifts, grants, bequests, and other
8 private contributions, as well as state or federal funds,
9 and shall deposit the moneys in the account to be used for
10 distribution as grant award moneys under the math and science
11 education program. Moneys in the account are appropriated and
12 may be used for the purposes of this section. The department
13 shall not commingle federal, state, and private funds within
14 the account. Not more than six percent of any state funds
15 appropriated for the program may be used for administrative
16 purposes. State funds appropriated and any interest earned on
17 the state funds but not expended for the first two years of
18 the program shall not revert to the general fund under section
19 8.33, but shall remain available for expenditure until June
20 30 of the third year of the program. In subsequent years,
21 state funds and any interest earned on the state funds which
22 are appropriated, but not expended by June 30 of the school
23 year shall revert to the general fund as provided under section
24 8.33. Receipt of funds during the first year of the program
25 shall not affect eligibility to receive funds during any
26 subsequent years.

27 Sec. 69. Section 256.81, subsection 1, Code 2009, is amended
28 to read as follows:

29 1. The public broadcasting division of the department of
30 education is created. The chief administrative officer of the
31 division is the administrator who shall be appointed by and
32 serve at the pleasure of the Iowa public broadcasting board.
33 The board shall set the division administrator's salary within
34 the applicable salary range established by the general assembly
35 unless otherwise provided by law. Educational programming

1 shall be the highest priority of the division. The division
2 shall be governed by the national principles of editorial
3 integrity developed by the editorial integrity project. The
4 director of the department of education and the state board of
5 education are not liable for the activities of the division of
6 public broadcasting.

7 Sec. 70. Section 256.82, subsections 2 and 3, Code 2009, are
8 amended to read as follows:

9 2. a. Board members shall serve a three-year term
10 commencing on July 1 of the year of appointment. A vacancy
11 shall be filled in the same manner as the original appointment
12 for the remainder of the term.

13 b. Membership on the board does not constitute holding a
14 public office and members shall not be required to take and
15 file oaths of office before serving. A member shall not be
16 disqualified from holding any public office or employment by
17 reason of appointment to the board nor shall a member forfeit
18 an office or employment by reason of appointment to the board.

19 3. a. The board shall appoint an advisory committee on
20 journalistic and editorial integrity which has no more than a
21 simple majority of members of the same gender. ~~The division~~
22 ~~shall be governed by the national principles of editorial~~
23 ~~integrity developed by the editorial integrity project.~~

24 b. Duties of the advisory committee, and of additional
25 advisory committees the board may from time to time appoint,
26 shall be specified in rules of internal management adopted by
27 the board.

28 c. Members of advisory committees shall receive actual
29 expenses incurred in performing their official duties.

30 Sec. 71. Section 256A.3, subsections 5 and 6, Code 2009, are
31 amended to read as follows:

32 5. Subject to the availability of funds appropriated
33 or otherwise available for the purpose of providing child
34 development services, award grants for programs that provide
35 new or additional child development services to at-risk

1 children.

2 a. In awarding program grants to an agency or individual,
3 the council shall consider the following:

4 ~~a.~~ (1) The quality of the staff and staff background in
5 child development services.

6 ~~b.~~ (2) The degree to which the program is or will be
7 integrated with existing community resources and has the
8 support of the local community.

9 ~~c.~~ (3) The ability of the program to provide for child care
10 in addition to child development services for families needing
11 full-day child care.

12 ~~d.~~ (4) A staff-to-children ratio within the guidelines
13 established under subsection 2, but not less than one staff
14 member per eight children.

15 ~~e.~~ (5) The degree to which the program involves and works
16 with the parents, and includes home visits, instruction for
17 parents on parenting skills, on enhancement of skills in
18 providing for their children's learning and development, and
19 the physical, mental, and emotional development of children,
20 and experiential education.

21 ~~f.~~ (6) The manner in which health, medical, dental, and
22 nutrition services are incorporated into the program.

23 ~~g.~~ (7) The degree to which the program
24 complements existing programs and services for at-risk
25 ~~three-year-~~ three-year-old and four-year-old children available
26 in the area, including other child care services, services
27 provided through the school district, and services available
28 through area education agencies.

29 ~~h.~~ (8) The degree to which the program can be monitored and
30 evaluated to determine its ability to meet its goals.

31 ~~i.~~ (9) The provision of transportation or other auxiliary
32 services that may be necessary for families to participate in
33 the program.

34 ~~j.~~ (10) The provision of staff training and development,
35 and staff compensation sufficient to assure continuity.

1 **b.** Program grants funded under this subsection may integrate
2 children not meeting at-risk criteria into the program and
3 shall establish a fee for participation in the program in the
4 manner provided in section 279.49, but grant funds shall not be
5 used to pay the costs for those children.

6 6. Encourage the submission of grant requests from all
7 potential providers of child development services and shall
8 be flexible in evaluating grants, recognizing that different
9 types of programs may be suitable for different locations in
10 the state.

11 **a.** ~~However, requests~~ Requests for grants must contain a
12 procedure for evaluating the effectiveness of the program and
13 accounting procedures for monitoring the expenditure of grant
14 moneys.

15 **b.** The council shall seek to use performance-based measures
16 to evaluate programs. Not more than five percent of any state
17 funds appropriated for child development purposes may be used
18 for administration and evaluation.

19 Sec. 72. Section 257.44, Code 2009, is amended to read as
20 follows:

21 **257.44 Gifted and talented children defined.**

22 **1.** "*Gifted and talented children*" are those children who
23 are identified as possessing outstanding abilities and who are
24 capable of high performance. Gifted and talented children are
25 children who require appropriate instruction and educational
26 services commensurate with their abilities and needs beyond
27 those provided by the regular school program.

28 **2.** Gifted and talented children include those children with
29 demonstrated achievement or potential ability, or both, in any
30 of the following areas or in combination:

- 31 ~~1-~~ **a.** General intellectual ability.
32 ~~2-~~ **b.** Creative thinking.
33 ~~3-~~ **c.** Leadership ability.
34 ~~4-~~ **d.** Visual and performing arts ability.
35 ~~5-~~ **e.** Specific ability aptitude.

1 Sec. 73. Section 263A.13, Code 2009, is amended to read as
2 follows:

3 **263A.13 Hospital reports to general assembly.**

4 1. The university of Iowa hospitals and clinics shall
5 compile and transmit to the general assembly the following
6 information by December 15 of each fiscal year:

7 ~~1.~~ a. Revenue from all income sources, by source, including
8 but not limited to state appropriations, other state funds,
9 tuition income, patient charges, payments from political
10 subdivisions, interest income, and gifts, and grants from
11 public and private sources.

12 ~~2.~~ b. Expenditures by program and revenue source.

13 ~~3.~~ c. Net revenue over spending from hospital operations,
14 including the method used to calculate the results.

15 2. The legislative services agency shall develop
16 forms for collecting the information required in this
17 ~~subparagraph~~ section.

18 Sec. 74. Section 272C.8, Code 2009, is amended to read as
19 follows:

20 **272C.8 Immunities.**

21 1. a. A person shall not be civilly liable as a result of
22 the person's acts, omissions, or decisions in good faith as
23 a member of a licensing board or as an employee or agent in
24 connection with the person's duties.

25 ~~2.~~ b. A person shall not be civilly liable as a result of
26 filing a report or complaint with a licensing board or peer
27 review committee, or for the disclosure to a licensing board or
28 its agents or employees, whether or not pursuant to a subpoena
29 of records, documents, testimony, or other forms of information
30 which constitute privileged matter concerning a recipient
31 of health care services or some other person, in connection
32 with proceedings of a peer review committee, or in connection
33 with duties of a health care board. However, such immunity
34 from civil liability shall not apply if such act is done with
35 malice.

1 ~~3.~~ c. A person shall not be dismissed from employment,
2 and shall not be discriminated against by an employer because
3 the person filed a complaint with a licensing board or peer
4 review committee, or because the person participated as a
5 member, agent, or employee of a licensing board or peer review
6 committee, or presented testimony or other evidence to a
7 licensing board or peer review committee.

8 2. Any employer who violates the terms of this section
9 shall be liable to any person aggrieved for actual and punitive
10 damages plus reasonable attorney fees.

11 Sec. 75. Section 275.1, Code 2009, is amended to read as
12 follows:

13 **275.1 Declaration Definitions — declaration of policy —**
14 **surveys — definitions.**

15 1. As used in this chapter, unless the context otherwise
16 requires:

17 a. "Eligible elector" means eligible elector as defined in
18 section 39.3, subsection 6.

19 b. "Initial board" means the board of a newly reorganized
20 district that is selected pursuant to section 275.25 or 275.41
21 and functions until the organizational meeting following the
22 third regular school election held after the effective date of
23 the reorganization.

24 c. "Marginally adjacent district" or "marginally adjacent
25 territory" means a district or territory which is separated from
26 a second district or territory by property which is part of a
27 third school district which completely surrounds one of the two
28 districts.

29 d. "Joint districts" means districts that lie in two or more
30 adjacent area education agencies.

31 e. "Registered voter" means registered voter as defined in
32 section 39.3, subsection 11.

33 f. "Regular board" means the board of a reorganized district
34 that begins to function at the organizational meeting following
35 the third regular school election held after the effective date

1 of the school reorganization, and is comprised of members who
 2 were elected to the current terms or were appointed to replace
 3 members who were elected.

4 g. "School districts affected" means the school districts
 5 named in the reorganization petition whether a school district
 6 is affected in whole or in part.

7 2. It is the policy of the state to encourage economical
 8 and efficient school districts which will ensure an equal
 9 educational opportunity to all children of the state. All
 10 areas of the state shall be in school districts maintaining
 11 kindergarten and twelve grades. If a school district ceases
 12 to maintain kindergarten and twelve grades except as otherwise
 13 provided in section 28E.9, 256.13, 280.15, 282.7, subsection 1
 14 or subsections 1 and 3, or section 282.8, it shall reorganize
 15 within six months or the state board shall attach the school
 16 district not maintaining kindergarten and twelve grades to one
 17 or more adjacent districts. Voluntary reorganizations under
 18 this chapter shall be commenced only if the affected school
 19 districts are contiguous or marginally adjacent to one another.
 20 A reorganized district shall meet the requirements of section
 21 275.3.

22 3. If a district is attached, division of assets and
 23 liabilities shall be made as provided in sections 275.29
 24 to 275.31. The area education agency boards shall develop
 25 detailed studies and surveys of the school districts within
 26 the area education agency and all adjacent territory for the
 27 purpose of providing for reorganization of school districts in
 28 order to effect more economical operation and the attainment
 29 of higher standards of education in the schools. The plans
 30 shall be revised periodically to reflect reorganizations which
 31 may have taken place in the area education agency and adjacent
 32 territory.

33 ~~As used in this chapter unless the context otherwise~~
 34 ~~requires:~~

35 ~~1. "Eligible elector" means eligible elector as defined in~~

1 ~~section 39.3, subsection 6.~~

2 2. ~~"Initial board" means the board of a newly reorganized~~
3 ~~district that is selected pursuant to section 275.25 or~~
4 ~~275.41 and functions until the organizational meeting following~~
5 ~~the third regular school election held after the effective date~~
6 ~~of the reorganization.~~

7 3. ~~"Marginally adjacent district" or "marginally adjacent~~
8 ~~territory" means a district or territory which is separated from~~
9 ~~a second district or territory by property which is part of a~~
10 ~~third school district which completely surrounds one of the two~~
11 ~~districts.~~

12 4. ~~"Registered voter" means registered voter as defined in~~
13 ~~section 39.3, subsection 11.~~

14 5. ~~"Regular board" means the board of a reorganized district~~
15 ~~that begins to function at the organizational meeting following~~
16 ~~the third regular school election held after the effective date~~
17 ~~of the school reorganization, and is comprised of members who~~
18 ~~were elected to the current terms or were appointed to replace~~
19 ~~members who were elected.~~

20 6. ~~"School districts affected" means the school districts~~
21 ~~named in the reorganization petition whether a school district~~
22 ~~is affected in whole or in part.~~

23 Sec. 76. Section 275.8, Code 2009, is amended to read as
24 follows:

25 **275.8 Cooperation of department of education — planning**
26 **joint districts.**

27 1. For purposes of this chapter the planning of joint
28 districts is defined to include all of the following acts:

29 a. Preparation of a written joint plan in which contiguous
30 territory in two or more area education agencies is considered
31 as a part of a potential school district in the area education
32 agency on behalf of which such plan is filed with the
33 department of education by the area education agency board.

34 b. Adoption of the written joint plan at a joint session
35 of the several area education agency boards in whose areas

1 the territory is situated. A quorum of each of the boards is
2 necessary to transact business. Votes shall be taken in the
3 manner prescribed in section 275.16.

4 c. Filing said plan with the department of education.

5 2. For purposes of subsection 1, paragraph "a", joint
6 planning shall be evidenced by filing the following items with
7 the department of education:

8 a. A plat of the entire area of such potential district.

9 b. A statement of the number of pupils residing within the
10 area of said potential district enrolled in public schools in
11 the preceding school year.

12 c. A statement of the assessed valuation of taxable property
13 located within such potential district.

14 d. An affidavit signed on behalf of each of said boards of
15 directors of area education agencies by a member of such board
16 stating the boundaries as shown on such plat have been agreed
17 upon by the respective boards as a part of the overall plan of
18 school district reorganization of each such school.

19 3. Planning of joint districts shall be conducted in
20 the same manner as planning for single districts, except as
21 provided in this section. Studies and surveys relating to
22 the planning of joint districts shall be filed with the area
23 education agency in which one of the districts is located
24 which has the greatest taxable property base. In the case
25 of controversy over the planning of joint districts, the
26 matter shall be submitted to the director of the department of
27 education. Judicial review of the director's decision may be
28 sought in accordance with the terms of the Iowa administrative
29 procedure Act, chapter 17A. Notwithstanding the terms of
30 that Act, petitions for judicial review must be filed within
31 thirty days after the decision of the director. "Joint
32 districts" means districts that lie in two or more adjacent area
33 education agencies.

34 ~~For purposes of this chapter the planning of joint districts~~
35 ~~is defined to include all of the following acts:~~

1 ~~1. Preparation of a written joint plan in which contiguous~~
2 ~~territory in two or more area education agencies is considered~~
3 ~~as a part of a potential school district in the area education~~
4 ~~agency on behalf of which such plan is filed with the~~
5 ~~department of education by the area education agency board.~~

6 ~~2. Adoption of the written joint plan at a joint session~~
7 ~~of the several area education agency boards in whose areas~~
8 ~~the territory is situated. A quorum of each of the boards is~~
9 ~~necessary to transact business. Votes shall be taken in the~~
10 ~~manner prescribed in section 275.16.~~

11 ~~3. Filing said plan with the department of education.~~

12 ~~For purposes of subsection 1 hereof, joint planning shall be~~
13 ~~evidenced by filing the following items with the department of~~
14 ~~education:~~

15 ~~a. A plat of the entire area of such potential district.~~

16 ~~b. A statement of the number of pupils residing within the~~
17 ~~area of said potential district enrolled in public schools in~~
18 ~~the preceding school year.~~

19 ~~c. A statement of the assessed valuation of taxable property~~
20 ~~located within such potential district.~~

21 ~~d. An affidavit signed on behalf of each of said boards of~~
22 ~~directors of area education agencies by a member of such board~~
23 ~~stating the boundaries as shown on such plat have been agreed~~
24 ~~upon by the respective boards as a part of the overall plan of~~
25 ~~school district reorganization of each such school.~~

26 Sec. 77. Section 276.3, subsection 3, Code 2009, is amended
27 to read as follows:

28 3. "*Community education*" means a ~~life-long~~ lifelong
29 education process concerning itself with every facet that
30 affects the well-being of all citizens within a given
31 community. ~~It extends~~ and serves all of the following
32 purposes:

33 a. To extend the role of the school from one of teaching
34 children through an elementary and secondary program to one
35 of providing for citizen participation in identifying the

1 wants, needs, and concerns of the neighborhood community and
2 coordinating all educational, recreational, and cultural
3 opportunities within the community with community education
4 being the catalyst for providing for citizen participation in
5 the development and implementation of programs toward the goal
6 of improving the entire community.

7 b. Community education energizes To energize people
8 to strive for the achievement of determined goals and
9 ~~stimulates~~ stimulate capable persons to assume leadership
10 responsibilities. ~~It welcomes~~

11 c. To welcome and ~~works~~ work with all groups, ~~it draws~~
12 ~~no~~ without drawing any lines. ~~It is~~

13 d. To serve as the one institution in the entire community
14 that has the opportunity to reach all people and groups and to
15 gain their cooperation.

16 Sec. 78. Section 279.19A, subsections 2, 5, and 8, Code
17 2009, are amended to read as follows:

18 2. a. An extracurricular contract shall be continued
19 automatically in force and effect for equivalent periods,
20 except as modified or terminated by mutual agreement of
21 the board of directors and the employee, or terminated in
22 accordance with this section. An extracurricular contract
23 shall initially be offered by the employing board to an
24 individual on the same date that contracts are offered to
25 teachers under section 279.13. An extracurricular contract
26 may be terminated at the end of a school year pursuant to
27 sections 279.15 through 279.19. If the school district offers
28 an extracurricular contract for a sport for the subsequent
29 school year to an employee who is currently performing
30 under an extracurricular contract for that sport, and the
31 employee does not wish to accept the extracurricular contract
32 for the subsequent year, the employee may resign from the
33 extracurricular contract within twenty-one days after it has
34 been received.

35 b. Section 279.13, subsection 3, applies to this section.

1 5. a. Within seven days following June 1 of that year,
2 the board shall notify the employee in writing if the board
3 intends to require the employee to accept an extracurricular
4 contract for the subsequent school year under subsection 3 or
5 4. If the employee believes that the board did not make a
6 good faith effort to fill the position the employee may appeal
7 the decision by notifying the board in writing within ten days
8 after receiving the notification.

9 b. The appeal shall state why the employee believes that the
10 board did not make a good faith effort to fill the position.
11 If the parties are unable to informally resolve the dispute,
12 the parties shall attempt to agree upon an alternative means of
13 resolving the dispute.

14 c. If the dispute is not resolved by mutual agreement,
15 either party may appeal to the district court.

16 8. a. A termination proceeding of an extracurricular
17 contract either by the board pursuant to subsection 2 or
18 pursuant to section 279.27 does not affect a contract issued
19 pursuant to section 279.13.

20 b. A termination of a contract entered into pursuant to
21 section 279.13, or a resignation from that contract by the
22 teacher, constitutes an automatic termination or resignation of
23 the extracurricular contract in effect between the same teacher
24 and the employing school board.

25 Sec. 79. Section 280.20, Code 2009, is amended to read as
26 follows:

27 **280.20 Vocational agriculture education.**

28 1. It is the intent of the general assembly to encourage
29 the public secondary schools to develop comprehensive programs
30 for vocational education in agriculture technology to meet the
31 diverse needs of Iowa's students and to ensure an adequate
32 supply of trained and skilled individuals in all phases of the
33 agriculture industry. The board of directors of each public
34 school district may develop, as part of the curriculum in
35 grades nine through twelve, programs for vocational education

1 in agriculture technology.

2 2. a. It is also the intent of the general assembly
3 to encourage the development of programs for vocational
4 education in agriculture technology which are structured on a
5 twelve-month basis and which include the following:

6 ~~1. (1)~~ Provision for twelve-month extended contracts to
7 permit entrepreneurial agricultural experience, summer program
8 planning, and recordkeeping.

9 ~~Supervision and accountability of vocational agriculture~~
10 ~~teachers employed for extended contracts are the responsibility~~
11 ~~of the local school board.~~

12 ~~2. (2)~~ Submission of an annual summer program by each
13 vocational agriculture instructor, employed on an extended
14 contract basis.

15 ~~3. (3)~~ The following reports shall be made available to the
16 council for agricultural education upon request:

17 ~~a. (a)~~ A summary of summer activities completed for each
18 vocational agriculture instructor employed on an extended
19 contract.

20 ~~b. (b)~~ A summary of supervised agricultural experience
21 programs conducted during the year in vocational agriculture.

22 ~~4. (4)~~ Provision for instructional supervision for
23 agricultural occupational experience programs.

24 b. Supervision and accountability of vocational agriculture
25 teachers employed for extended contracts are the responsibility
26 of the local school board.

27 Sec. 80. Section 282.6, Code 2009, is amended to read as
28 follows:

29 **282.6 Tuition.**

30 1. For purposes of this section, "resident" means a person
31 who is physically present in a district, whose residence has
32 not been established in another district by operation of law,
33 and who meets any of the following conditions:

34 a. Is in the district for the purpose of making a home and
35 not solely for school purposes.

1 b. Meets the definitional requirements of the term "*homeless*
2 *individual*" under 42 U.S.C. § 11302(a) and (c).

3 c. Lives in a residential correctional facility in the
4 district.

5 2. Every school shall be free of tuition to all actual
6 residents between the ages of five and twenty-one years and to
7 resident veterans as defined in section 35.1, as many months
8 after becoming twenty-one years of age as they have spent
9 in the armed forces of the United States before they became
10 twenty-one, provided, however, fees may be charged covering
11 instructional costs for a summer school or drivers education
12 program. The board of education may, in a hardship case,
13 exempt a student from payment of the above fees. Every person,
14 however, who shall attend any school after graduation from a
15 four-year course in an approved high school or its equivalent
16 shall be charged a sufficient tuition fee to cover the cost of
17 the instruction received by the person.

18 3. This section shall not apply to tuition authorized by
19 chapter 260C.

20 ~~For purposes of this section, "*resident*" means a person who~~
21 ~~is physically present in a district, whose residence has not~~
22 ~~been established in another district by operation of law, and~~
23 ~~who meets any of the following conditions:~~

24 ~~1. Is in the district for the purpose of making a home and~~
25 ~~not solely for school purposes.~~

26 ~~2. Meets the definitional requirements of the term "*homeless*~~
27 ~~*individual*" under 42 U.S.C. § 11302(a) and (c).~~

28 ~~3. Lives in a residential correctional facility in the~~
29 ~~district.~~

30 Sec. 81. Section 282.11, Code 2009, is amended to read as
31 follows:

32 **282.11 Procedure.**

33 1. For the purposes of this section, "*affected pupils*" are
34 those who under the whole grade sharing agreement are attending
35 or scheduled to attend the school district specified in the

1 agreement, other than the district of residence, during the
2 term of the agreement.

3 2. Not less than ninety days prior to signing a whole grade
4 sharing agreement whereby all or a substantial portion of the
5 pupils in a grade in the district will attend school in another
6 district, the board of directors of each school district that
7 is negotiating, extending, or renewing a sharing agreement,
8 shall publicly announce its intent to negotiate a sharing
9 agreement under section 21.4, subsection 1. Within thirty days
10 of the board's public notice, a petition may be filed with the
11 department of education requesting that a feasibility study be
12 completed. The petition shall be signed by twenty percent of
13 the eligible electors in the district. The director of the
14 department of education may determine that a feasibility study
15 conducted by the board satisfies the request, provided that the
16 study conforms with the criteria contained in section 256.9.

17 3. Not less than thirty days prior to signing a whole grade
18 sharing agreement whereby all or a substantial portion of the
19 pupils in a grade in the district will attend school in another
20 district, the board of directors of each school district
21 that is a party to a proposed sharing agreement shall hold a
22 public hearing at which the proposed agreement is described,
23 and at which the parent or guardian of an affected pupil and
24 certificated employees of the school district shall have an
25 opportunity to comment on the proposed agreement.

26 4. a. Within the thirty-day period prior to the signing
27 of the agreement, the parent or guardian of an affected pupil
28 may request the board of directors to send the pupil to another
29 contiguous school district. ~~For the purposes of this section,~~
30 ~~"affected pupils" are those who under the whole grade sharing~~
31 ~~agreement are attending or scheduled to attend the school~~
32 ~~district specified in the agreement, other than the district of~~
33 ~~residence, during the term of the agreement.~~ The request shall
34 be based upon one of the following:

35 ~~1-~~ (1) That the agreement will not meet the educational

1 program needs of the pupil.

2 ~~2.~~ (2) That adequate consideration was not given to
3 geographical factors.

4 b. The board shall allow or disallow the request prior to
5 the signing of the agreement, or the request shall be deemed
6 granted. If the board disallows the request, the board shall
7 indicate the reasons why the request is disallowed and shall
8 notify the parent or guardian that the decision of the board
9 may be appealed as provided in this section.

10 c. If the board disallows the request of a parent or
11 guardian of an affected pupil, the parent or guardian, not
12 later than March 1, may appeal the sending of that pupil to the
13 school district specified in the agreement, to the state board
14 of education. The basis for the appeal shall be the same as the
15 basis for the request to the board. An appeal shall specify
16 a contiguous school district to which the parent or guardian
17 wishes to send the affected pupil.

18 d. If the parent or guardian appeals, the standard of review
19 of the appeal is a preponderance of evidence that the parent's
20 or guardian's hardship outweighs the benefits and integrity
21 of the sharing agreement. The state board may require the
22 district of residence to pay tuition to the contiguous school
23 district specified by the parent or guardian, or may deny
24 the appeal by the parent or guardian. If the state board
25 requires the district of residence to pay tuition to the
26 contiguous school district specified by the parent or guardian,
27 the tuition shall be equal to the tuition established in the
28 sharing agreement. The decision of the state board is binding
29 on the boards of directors of the school districts affected,
30 except that the decision of the state board may be appealed by
31 either party to the district court.

32 Sec. 82. Section 282.24, subsection 1, Code Supplement
33 2009, is amended to read as follows:

34 1. a. The maximum tuition fee that may be charged for
35 elementary and high school students residing within another

1 school district or corporation except students attending school
2 in another district under section 282.7, subsection 1, or
3 subsections 1 and 3, is the district cost per pupil of the
4 receiving district as computed in section 257.10.

5 b. A school corporation which owns facilities used as
6 attendance centers for students shall maintain an itemized
7 statement of the appraised value of all buildings owned by the
8 school corporation. The appraisal shall be updated at least
9 once every five years.

10 c. This subsection does not prevent the corporation or
11 district in which the student resides from paying a tuition in
12 excess of the maximum computed tuition rates, if the actual per
13 pupil cost of the preceding year so warrants, but the receiving
14 district or corporation shall not demand more than the maximum
15 rate.

16 Sec. 83. Section 303.1, Code 2009, is amended to read as
17 follows:

18 **303.1 Department of cultural affairs.**

19 1. The department of cultural affairs is created. The
20 department ~~is under the control of a director who shall be~~
21 ~~appointed by the governor, subject to confirmation by the~~
22 ~~senate, and shall serve at the pleasure of the governor. The~~
23 ~~salary of the director shall be set by the governor within a~~
24 ~~range set by the general assembly.~~

25 2. ~~The department~~ has primary responsibility for
26 development of the state's interest in the areas of the arts,
27 history, and other cultural matters. In fulfilling this
28 responsibility, the department will be advised and assisted by
29 the state historical society and its board of trustees, and the
30 Iowa arts council.

31 2. The department shall:

32 a. Develop a comprehensive, coordinated, and efficient
33 policy to preserve, research, interpret, and promote to the
34 public an awareness and understanding of local, state, and
35 regional history.

1 *b.* Stimulate and encourage throughout the state the study
2 and presentation of the performing and fine arts and public
3 interest and participation in them.

4 *c.* Implement tourism-related art and history projects as
5 directed by the general assembly.

6 *d.* Design a comprehensive, statewide, long-range plan with
7 the assistance of the Iowa arts council to develop the arts in
8 Iowa. The department is designated as the state agency for
9 carrying out the plan.

10 *e.* Encourage the use of volunteers throughout its divisions,
11 especially for purposes of restoring books and manuscripts.

12 3. The department may:

13 *a.* By rule, establish advisory groups necessary for the
14 receipt of federal funds or grants or the administration of any
15 of the department's programs.

16 *b.* Develop and implement fee-based educational programming
17 opportunities, including preschool programs, related to arts,
18 history, and other cultural matters for Iowans of all ages.

19 ~~3.~~ 4. The department shall consist of the following:

20 *a.* Historical division.

21 *b.* Arts division.

22 *c.* Other divisions created by rule.

23 *d.* Administrative section.

24 ~~4.~~ 5. The department is under the control of a director who
25 shall be appointed by the governor, subject to confirmation by
26 the senate, and shall serve at the pleasure of the governor.
27 The salary of the director shall be set by the governor within
28 a range set by the general assembly. The director may create,
29 combine, eliminate, alter, or reorganize the organization of
30 the department by rule.

31 ~~5. The department by rule may establish advisory groups~~
32 ~~necessary for the receipt of federal funds or grants or the~~
33 ~~administration of any of the department's programs.~~

34 6. The divisions shall be administered by administrators
35 who shall be appointed by the director and serve at the

1 director's pleasure. The administrators shall:

2 a. Organize the activities of the division.

3 b. Submit a biennial report to the governor on the
4 activities and an evaluation of the division and its programs
5 and policies.

6 c. Control all property of the division.

7 d. Perform other duties imposed by law.

8 ~~7. The department may develop and implement fee-based~~
9 ~~educational programming opportunities, including preschool~~
10 ~~programs, related to arts, history, and other cultural matters~~
11 ~~for Iowans of all ages.~~

12 Sec. 84. Section 313.28, Code 2009, is amended to read as
13 follows:

14 **313.28 Temporary primary road detours.**

15 1. When the department, for the purpose of establishing,
16 constructing, or maintaining any primary road, determines
17 that any secondary road or portion thereof is necessary for a
18 detour or haul road, the department, after consultation with
19 the county board of supervisors having jurisdiction of the
20 route, shall by order temporarily designate the secondary road
21 or portion thereof as a temporary primary road detour or as
22 a temporary primary road haul road, and the department shall
23 maintain the same as a primary road until it shall revoke the
24 temporary designation order. Prior to use of a secondary
25 road as a primary haul road or detour, the department shall
26 designate a representative to inspect the secondary road with
27 the county engineer to determine and note the condition of the
28 road.

29 2. Prior to revoking the designation, the department shall:

30 ~~1-~~ a. Restore the secondary road or portion thereof to
31 as good condition as it was prior to its designation as a
32 temporary primary road, or

33 ~~2-~~ b. Determine such amount as will adequately compensate
34 the county exercising exclusive or concurrent jurisdiction over
35 the secondary road or portion thereof for excessive traffic

1 upon the secondary road or portion thereof during the period of
2 its designation as a temporary primary road. The department
3 shall certify the amount determined to the director of the
4 department of administrative services. The director of the
5 department of administrative services shall credit the amount
6 to the county.

7 3. If on examination of the route, it is determined that
8 the road can be restored to its original condition only
9 by reconstruction, the department shall cause plans to be
10 drawn, award the necessary contracts for work and proceed to
11 reconstruct and make payments for in the same manner as is
12 prescribed for primary construction projects.

13 Sec. 85. Section 316.9, Code 2009, is amended to read as
14 follows:

15 **316.9 Rules.**

16 1. The department shall ~~make~~ adopt administrative rules
17 pursuant to chapter 17A as necessary to effect the provisions
18 of this chapter and to assure:

19 ~~1-~~ a. Compliance with the Uniform Relocation Assistance
20 and Real Property Acquisition Policies Act of 1970, Pub. L. No.
21 91-646, as amended by the Uniform Relocation Act Amendments of
22 1987, Tit. IV, Pub. L. No. 100-17.

23 ~~2-~~ b. The payments authorized by this chapter are fair and
24 reasonable and as uniform as practicable.

25 ~~3-~~ c. A displaced person who makes proper application for
26 a payment authorized by this chapter is paid promptly after a
27 move or, in hardship cases, is paid in advance.

28 ~~4-~~ 2. A person aggrieved by a determination as to
29 eligibility for assistance or a payment authorized by this
30 chapter, or the amount of a payment, upon application may have
31 the matter reviewed.

32 3. Rules governing reviews shall provide for a prompt
33 one-step uncomplicated fact-finding process. Such a review
34 is an appeal of an agency action as defined in section 17A.2,
35 subsection 2, and is not a contested case. The decision

1 rendered shall be the displacing agency's final agency action.

2 ~~All rules shall be subject to the provisions of chapter 17A.~~

3 Sec. 86. Section 317.1, Code 2009, is amended to read as
4 follows:

5 **317.1 Definitions.**

6 As used in this chapter, unless the context otherwise
7 requires, ~~"book",~~:

8 a. "Book", "list", "record", or "schedule" kept by a county
9 auditor, assessor, treasurer, recorder, sheriff, or other
10 county officer means the county system as defined in section
11 445.1.

12 b. "Commissioner" means the county weed commissioner or the
13 commissioner's deputy within each county.

14 Sec. 87. Section 317.4, Code 2009, is amended to read as
15 follows:

16 **317.4 Direction and control.**

17 ~~As used in this chapter, "commissioner" means the county~~
18 ~~weed commissioner or the commissioner's deputy within each~~
19 ~~county.~~ Each commissioner, subject to direction and control by
20 the county board of supervisors, shall supervise the control
21 and destruction of all noxious weeds in the county, including
22 those growing within the limits of cities, within the confines
23 of abandoned cemeteries, and along streets and highways
24 unless otherwise provided. A commissioner shall notify the
25 department of public safety of the location of marijuana plants
26 found growing on public or private property. A commissioner
27 may enter upon any land in the county at any time for the
28 performance of the commissioner's duties, and shall hire the
29 labor and equipment necessary subject to the approval of the
30 board of supervisors.

31 Sec. 88. Section 321.1A, Code 2009, is amended to read as
32 follows:

33 **321.1A Presumption of residency.**

34 1. For purposes of this chapter there is a rebuttable
35 presumption that a natural person is a resident of this state

1 if any of the following elements exist:

2 ~~1.~~ a. The person has filed for a homestead tax exemption on
3 property in this state.

4 ~~2.~~ b. The person is a veteran who has filed for a military
5 tax exemption on property in this state.

6 ~~3.~~ c. The person is registered to vote in this state.

7 ~~4.~~ d. The person enrolls the person's child to be educated
8 in a public elementary or secondary school in this state.

9 ~~5.~~ e. The person is receiving public assistance from this
10 state.

11 ~~6.~~ f. The person resides or has continuously remained
12 in this state for a period exceeding thirty days except for
13 infrequent or brief absences.

14 ~~7.~~ g. The person has accepted employment or engages in any
15 trade, profession, or occupation within this state, except as
16 provided in section 321.55.

17 2. "Resident" does not include a either of the following:

18 a. A person who is attending a college or university in
19 this state, if the person has a domicile in another state and
20 has a valid driver's license issued by the state of domicile.

21 ~~"Resident" also does not include members~~

22 b. Members of the armed forces ~~that~~ who are stationed in
23 Iowa, ~~providing~~ provided that their vehicles are properly
24 registered in their state of residency.

25 3. A corporation, association, partnership, company, firm,
26 or other aggregation of individuals whose principal place of
27 business is located within this state is a resident of this
28 state.

29 Sec. 89. Section 321.32, Code 2009, is amended to read as
30 follows:

31 **321.32 Registration card carried and exhibited — exception.**

32 1. A vehicle's registration card shall at all times be
33 carried in the vehicle to which it refers and shall be shown to
34 any peace officer upon the officer's request.

35 2. This section shall not apply when the registration card

1 is being used for the purpose of making application for renewal
2 of registration or upon a transfer of registration for that
3 vehicle.

4 Sec. 90. Section 321.45, subsections 1 and 2, Code 2009, are
5 amended to read as follows:

6 1. a. No manufacturer, importer, dealer, or other person
7 shall sell or otherwise dispose of a new vehicle subject to
8 registration under the provisions of this chapter to a dealer
9 to be used by such dealer for purposes of display and lease or
10 resale without delivering to such dealer a manufacturer's or
11 importer's certificate duly executed and with such assignments
12 thereon as may be necessary to show title in the purchaser
13 thereof; nor shall such dealer purchase or acquire a new
14 vehicle that is subject to registration without obtaining
15 from the seller thereof such manufacturer's or importer's
16 certificate. In addition to the assignments stated herein,
17 such manufacturer's or importer's certificate shall contain
18 thereon the identification and description of the vehicle
19 delivered and the name and address of the dealer to whom said
20 vehicle was originally sold over the signature of an authorized
21 official of the manufacturer or importer who made the original
22 delivery.

23 b. For each new mobile home, manufactured home, travel
24 trailer, and camping trailer said manufacturer's or importer's
25 certificate shall also contain thereon the exterior length and
26 exterior width of said vehicle not including any area occupied
27 by any hitching device, and the manufacturer's shipping weight.

28 c. Completed motor vehicles, other than class "B" motor
29 homes, which are converted, modified, or altered shall retain
30 the identity and model year of the original manufacturer of the
31 vehicle. Motor homes and all other motor vehicles manufactured
32 from chassis or incomplete motor vehicles manufactured by
33 another may have the identity and model year assigned by the
34 final manufacturer.

35 2. a. ~~No~~ A person shall not acquire any right, title,

1 claim, or interest in or to any vehicle subject to registration
 2 under this chapter from the owner thereof except by virtue of
 3 a certificate of title issued or assigned to the person for
 4 such vehicle or by virtue of a manufacturer's or importer's
 5 certificate delivered to the person for such vehicle; ~~nor shall~~
 6 ~~any~~ and waiver or estoppel shall not operate in favor of any
 7 person claiming title to or interest in any vehicle against
 8 a person having possession of the certificate of title or
 9 manufacturer's or importer's certificate for such vehicle for a
 10 valuable consideration except in ~~case of~~ the following cases:

11 ~~a.~~ (1) The perfection of a lien or security interest as
 12 provided in section 321.50, ~~or.~~

13 ~~b.~~ (2) The perfection of a security interest in new or
 14 used vehicles held as inventory for sale as provided in uniform
 15 commercial code, chapter 554, article 9, ~~or.~~

16 ~~c.~~ (3) A dispute between a buyer and the selling dealer who
 17 has failed to deliver or procure the certificate of title as
 18 promised, ~~or.~~

19 ~~d.~~ (4) Except for the purposes of section 321.493.

20 b. Except in the ~~above enumerated~~ cases enumerated in
 21 paragraph "a", no court in any case at law or equity shall
 22 recognize the right, title, claim, or interest of any person in
 23 or to any vehicle subject to registration sold or disposed of,
 24 or mortgaged or encumbered, unless evidenced by a certificate
 25 of title or manufacturer's or importer's certificate duly
 26 issued or assigned in accordance with the provisions of this
 27 chapter.

28 Sec. 91. Section 321.126, Code 2009, is amended to read as
 29 follows:

30 **321.126 Refunds of annual registration fees.**

31 1. Refunds of unexpired annual vehicle registration fees
 32 shall be allowed in accordance with this section, except that
 33 no refund shall be allowed and paid if the unused portion
 34 of the fee is less than ten dollars. ~~Subsections 1 and~~
 35 2 Paragraphs "a" and "b" do not apply to vehicles registered by

1 the county treasurer. The refunds shall be made as follows:

2 ~~1.~~ a. If the vehicle is destroyed by fire or accident,
3 or junked and its identity as a vehicle entirely eliminated,
4 the owner in whose name the vehicle was registered at the time
5 of destruction or dismantling shall return the plates to the
6 department and within thirty days thereafter make a statement
7 of such destruction or dismantling and make claim for refund.
8 With reference to the destruction or dismantling of a vehicle,
9 no refund shall be allowed unless a junking certificate has
10 been issued, as provided in section 321.52.

11 ~~2.~~ b. If the vehicle is stolen, the owner shall give
12 notice of the theft to the department within five days. If the
13 vehicle is not recovered by the owner thirty days prior to the
14 end of the current registration year, the owner shall make a
15 statement of the theft and make claim for refund.

16 ~~3.~~ c. If the vehicle is placed in storage by the owner
17 upon the owner's entry into the military service of the
18 United States, the owner shall return the plates to the county
19 treasurer or the department and make a statement regarding
20 the storage and military service and make claim for refund.
21 Whenever the owner of a vehicle so placed in storage desires to
22 again register the vehicle, the county treasurer or department
23 shall compute and collect the fees for registration for the
24 registration year commencing in the month the vehicle is
25 removed from storage.

26 ~~4.~~ d. If the vehicle is registered by the county treasurer
27 during the current registration year and the owner or lessee
28 registers the vehicle for proportional registration under
29 chapter 326, the owner of the registered vehicle shall
30 surrender the registration plates to the county treasurer and
31 may file a claim for refund. In lieu of a refund, a credit
32 for the annual registration fees paid to the county treasurer
33 may be applied by the department to the owner or lessee's
34 proportional registration fees upon the surrender of the county
35 plates and registration.

1 5- e. A refund for trailers and semitrailers issued a
2 multiyear registration plate shall be paid by the department
3 upon application.

4 6- f. If a vehicle is sold or junked, the owner in whose
5 name the vehicle was registered may make claim to the county
6 treasurer or department for a refund of the sold or junked
7 vehicle's annual registration fee. Also if the owner of a
8 vehicle receives a vehicle registration fee credit under
9 section 321.46, subsection 3, and the credit allowed exceeds
10 the amount of the annual registration fee for the vehicle
11 acquired, the owner may claim a refund for the balance of the
12 credit. The refund is subject to the following limitations:

13 a- (1) If a vehicle registration fee credit has not been
14 received by the owner of the vehicle under section 321.46,
15 subsection 3, the refund shall be computed on the basis of
16 the number of unexpired months remaining in the registration
17 year at the time the vehicle was sold or junked. The refund
18 shall be rounded to the nearest whole dollar. Section 321.127,
19 subsection 1, does not apply.

20 b- (2) The refund shall only be allowed if the owner makes
21 claim for the refund within six months after the date of the
22 vehicle's sale, trade, or junking.

23 c- (3) This ~~subsection~~ paragraph "f" does not apply to
24 vehicles registered under chapter 326.

25 7- g. If the vehicle was leased and an affidavit was filed
26 by the lessor or the lessee as provided in section 321.46,
27 the lessor or the lessee, as applicable, may make a claim for
28 a refund with the county treasurer of the county where the
29 vehicle was registered within six months of the vehicle's
30 surrender to the lessor. The refund shall be paid to either
31 the lessor or the lessee, as specified on the application for
32 title and registration pursuant to section 321.20.

33 8- h. If the owner of the vehicle moves out of state,
34 the owner may make a claim for a refund by returning the Iowa
35 registration plates, along with evidence of the vehicle's

1 registration in another jurisdiction, to the county treasurer
2 of the county in which the vehicle was registered within
3 six months of the out-of-state registration. For purposes
4 of section 321.127, the unexpired months remaining in the
5 registration year shall be calculated on the basis of the
6 effective date of the out-of-state registration. However, for
7 the purpose of timely issuance of the refund, the claim for
8 a refund under this ~~subsection~~ paragraph is considered to be
9 filed on the date the registration documents are received by
10 the county treasurer.

11 ~~9.~~ 2. Notwithstanding any provision of this section
12 to the contrary, there shall be no refund of proportional
13 registration fees unless the state which issued the base plate
14 for the vehicle allows such refund. If an owner subject to
15 proportional registration leases the vehicle for which the
16 refund is sought, the claim shall be filed in the names of
17 both the lessee and the lessor and the refund payment made
18 payable to both the lessor and the lessee. The term "owner"
19 for purposes of this section shall include a person in whom
20 is vested right of possession or control of a vehicle which
21 is subject to a lease, contract, or other legal arrangement
22 vesting right of possession or control in addition to the term
23 as defined in section 321.1, subsection 49.

24 Sec. 92. Section 321.198, Code 2009, is amended to read as
25 follows:

26 **321.198 Military service exception.**

27 1. a. The effective date of a valid driver's license issued
28 under the laws of this state, held by any person at the time of
29 entering the military service of the United States or of the
30 state of Iowa, notwithstanding the expiration of the license
31 according to its terms, is hereby extended without fee until
32 six months following the initial separation from active duty
33 of the person from the military service, provided the person
34 is not suffering from physical disabilities which impair the
35 person's competency as an operator and provided further that

1 the licensee shall furnish, upon demand of any peace officer,
2 satisfactory evidence of the person's military service.
3 However, a person entitled to the benefits of this section
4 who is charged with operating a motor vehicle without a valid
5 driver's license shall not be convicted if the person produces
6 in court, within a reasonable time, a valid driver's license
7 previously issued to that person along with evidence of the
8 person's military service as provided in this paragraph.

9 b. The department is authorized to renew any driver's
10 license falling within the provisions and limitations of ~~the~~
11 ~~preceding~~ paragraph "a", without examination, upon application
12 and payment of fee made within six months following separation
13 from the military service.

14 2. The provisions of this section shall also apply to
15 the spouse and children, or ward of such military personnel
16 when such spouse, children, or ward are living with the above
17 described military personnel outside of the state of Iowa and
18 provided that such extension of license does not exceed five
19 years.

20 3. A person whose period of validity of the person's
21 driver's license is extended under this section may file an
22 application in accordance with rules adopted by the department
23 to have the person's record of issuance of a driver's license
24 retained in the department's record system during the period
25 for which the driver's license remains valid. If a person has
26 had the record of issuance of the person's driver's license
27 removed from the department's records, the person shall have
28 the person's record of driver's license issuance reentered
29 by the department upon request if the request is accompanied
30 by a letter from the applicable person's commanding officer
31 verifying the military service.

32 Sec. 93. Section 321.252, Code 2009, is amended to read as
33 follows:

34 **321.252 Department to adopt sign manual.**

35 1. a. The department shall adopt a manual and

1 specifications for a uniform system of traffic-control
2 devices consistent with the provisions of this chapter for use
3 upon highways within this state. Such uniform system shall
4 correlate with and so far as possible conform to the system
5 then current as approved by the American association of state
6 highway and transportation officials.

7 b. The department shall include in its manual of
8 traffic-control devices, specifications for a uniform system of
9 highway signs for the purpose of guiding traffic to organized
10 off-highway permanent camps, and camp areas, operated by
11 recognized and established civic, religious, and nonprofit
12 charitable organizations and to for-profit campgrounds and ski
13 areas. The department shall purchase, install, and maintain
14 the signs upon the prepayment of the costs by the organization
15 or owner.

16 2. The department shall also establish criteria for guiding
17 traffic on all fully controlled-access, divided, multilaned
18 highways including interstate highways to each tourist
19 attraction which is located within thirty miles of the highway
20 and receives fifteen thousand or more visitors annually.
21 Nothing in this ~~unnumbered paragraph~~ subsection shall be
22 construed to prohibit the department from erecting signs to
23 guide traffic on these highways to tourist attractions which
24 are located more than thirty miles from the highway or which
25 receive fewer than fifteen thousand visitors annually.

26 3. a. The department shall establish, by rule, in
27 cooperation with a tourist signing committee, the standards for
28 tourist-oriented directional signs and shall annually review
29 the list of attractions for which signing is in place. The
30 rules shall conform to national standards for tourist-oriented
31 directional signs adopted under 23 U.S.C. § 131(q) and to the
32 manual of uniform traffic-control devices.

33 (1) The tourist signing committee shall be made up of
34 the directors or their designees of the departments of
35 economic development, agriculture and land stewardship,

1 natural resources, cultural affairs, and transportation, the
 2 chairperson or the chairperson's designee of the Iowa travel
 3 council, and a member of the outdoor advertising association
 4 of Iowa. The director or the director's designee of the
 5 department of economic development shall be the chairperson of
 6 the committee.

7 (2) The department of transportation shall be responsible
 8 for calling and setting the date of the meetings of the
 9 committee which meetings shall be based upon the amount of
 10 activity relating to signs. However, the committee shall meet
 11 at least once a month.

12 ~~b.~~ b. However, a A tourist attraction is not subject
 13 to a minimum number of visitors annually to qualify for
 14 tourist-oriented directional signing.

15 4. The rules shall not be applicable to directional signs
 16 relating to historic sites on land owned or managed by state
 17 agencies, as provided in section 321.253A. The rules shall
 18 include but are not limited to the following:

19 ~~1.~~ a. Criteria for eligibility for signing.

20 ~~2.~~ b. Criteria for limiting or excluding businesses,
 21 activities, services, and sites that maintain signs that do
 22 not conform to the requirements of chapter 306B, chapter
 23 306C, division II, or other statutes or administrative rules
 24 regulating outdoor advertising.

25 ~~3.~~ c. Provisions for a fee schedule to cover the direct and
 26 indirect costs of sign manufacture, erection, and maintenance,
 27 and related administrative costs.

28 ~~4.~~ d. Provisions specifying maximum distances to eligible
 29 businesses, activities, services, and sites. Tourist-oriented
 30 directional signs may be placed on highways within the
 31 maximum travel distance that have the greatest traffic count
 32 per day, if sufficient space is available. If an adjacent
 33 landowner complains to the department about the placement of a
 34 tourist-oriented directional sign, the department shall attempt
 35 to reach an agreement with the landowner for relocating the

1 sign. If possible, the sign shall be relocated from the place
2 of objection. If the sign must be located on an objectionable
3 place, it shall be located on the least objectionable place
4 possible.

5 ~~5.~~ e. Provisions for trailblazing to facilities that
6 are not on the crossroad. Appropriate trailblazing shall be
7 installed over the most desirable routes on lesser traveled
8 primary highways, secondary roads, and city streets leading to
9 the tourist attraction.

10 ~~6.~~ f. Criteria for determining when to permit advance
11 signing.

12 ~~7.~~ g. Provisions specifying conditions under which the
13 time of operation of a business, activity, service, or site is
14 shown.

15 ~~8.~~ h. Provisions for masking or removing signs during
16 off seasons for businesses, activities, services, and sites
17 operated on a seasonal basis. Faded signs shall be replaced
18 and the commercial vendor charged for the cost of replacement
19 based upon the fee schedule adopted.

20 ~~9.~~ i. Provisions specifying the maximum number of signs
21 permitted per intersection.

22 ~~10.~~ j. Provisions for determining what businesses,
23 activities, services, or sites are signed when there are more
24 applicants than the maximum number of signs permitted.

25 ~~11.~~ k. Provisions for removing signs when businesses,
26 activities, services, or sites cease to meet minimum
27 requirements for participation and related costs.

28 5. Local authorities shall adhere to the specifications
29 for ~~such~~ signs as established by the department, and shall
30 purchase, install, and maintain ~~such~~ signs in their respective
31 jurisdictions upon prepayment by the organization of the
32 cost of such purchase, installation, and maintenance. The
33 department shall include in its manual of traffic-control
34 devices specifications for a uniform system of traffic-control
35 devices in legally established school zones.

1 Sec. 94. Section 321.306, Code 2009, is amended to read as
2 follows:

3 **321.306 Roadways laned for traffic.**

4 Whenever any roadway has been divided into three or more
5 clearly marked lanes for traffic the following rules in
6 addition to all others consistent herewith shall apply:

7 1. A vehicle shall be driven as nearly as practical entirely
8 within a single lane and shall not be moved from such lane
9 until the driver has first ascertained that such movement can
10 be made with safety.

11 2. ~~Upon If~~ a roadway ~~which~~ is divided into three lanes, a
12 vehicle shall not be driven in the center lane except ~~when~~ as
13 follows:

14 a. When overtaking and passing another vehicle where the
15 roadway is clearly visible and such center lane is clear of
16 traffic within a safe distance, ~~or in.~~

17 b. In preparation for a left turn or where such center lane
18 is at the time allocated exclusively to traffic moving in the
19 direction the vehicle is proceeding and is signposted to give
20 notice of such allocation.

21 3. Official signs may be erected directing slow-moving
22 traffic to use a designated lane or allocating specified lanes
23 to traffic moving in the same direction and drivers of vehicles
24 shall obey the directions of every such sign.

25 4. Vehicles moving in a lane designated for slow-moving
26 traffic shall yield the right-of-way to vehicles moving in the
27 same direction in a lane not so designated when such lanes
28 merge to form a single lane.

29 5. A portion of a highway provided with a lane for
30 slow-moving vehicles does not become a roadway marked for three
31 lanes of traffic.

32 Sec. 95. Section 321.324, Code 2009, is amended to read as
33 follows:

34 **321.324 Operation on approach of emergency vehicles.**

35 1. For the purposes of this section, "red light" or "blue

1 light means a light or lighting device that, when illuminated,
2 will exhibit a solid flashing or strobing red or blue light.

3 2. Upon the immediate approach of an authorized emergency
4 vehicle with any lamp or device displaying a red light or
5 red and blue lights, or an authorized emergency vehicle of a
6 fire department displaying a blue light, or when the driver is
7 giving audible signal by siren, exhaust whistle, or bell, the
8 driver of every other vehicle shall yield the right-of-way and
9 shall immediately drive to a position parallel to, and as close
10 as possible to, the right-hand edge or curb of the highway
11 clear of any intersection and shall stop and remain in such
12 position until the authorized emergency vehicle has passed,
13 except when otherwise directed by a police officer. ~~For the~~
14 ~~purposes of this section, "red light" or "blue light" means a~~
15 ~~light or lighting device that, when illuminated, will exhibit a~~
16 ~~solid flashing or strobing red or blue light.~~

17 3. Upon the approach of an authorized emergency vehicle,
18 ~~as above stated~~ described in subsection 2, the driver of
19 every streetcar shall immediately stop such car clear of any
20 intersection and keep it in such position until the authorized
21 emergency vehicle has passed, except when otherwise directed by
22 a police officer.

23 4. This section shall not operate to relieve the driver of
24 an authorized emergency vehicle from the duty to drive with due
25 regard for the safety of all persons using the highway.

26 Sec. 96. Section 321.383, subsection 3, Code 2009, is
27 amended to read as follows:

28 3. Garbage collection vehicles, when operated on the
29 streets or highways of this state at speeds of thirty-five
30 miles per hour or less, may display a reflective device
31 that complies with the standards of the American society of
32 agricultural engineers. At speeds in excess of thirty-five
33 miles per hour the device shall not be visible.

34 4. Any person who violates any provision of this section
35 shall be fined as provided in section 805.8A, subsection 3,

1 paragraph "d".

2 Sec. 97. Section 321.417, Code 2009, is amended to read as
3 follows:

4 **321.417 Single-beam road-lighting equipment.**

5 Headlamps arranged to provide a single distribution of
6 light not supplemented by auxiliary driving lamps shall
7 be permitted on motor vehicles manufactured and sold prior
8 to July 1, 1938, in lieu of multiple-beam road-lighting
9 equipment ~~herein~~ specified in section 321.409 if the single
10 distribution of light complies with the following requirements
11 and limitations:

12 1. The headlamps shall be so aimed that when the vehicle
13 is not loaded none of the high-intensity portion of the light
14 shall at a distance of twenty-five feet ahead project higher
15 than a level of five inches below the level of the center
16 of the lamp from which it comes, and in no case higher than
17 forty-two inches above the level on which the vehicle stands at
18 a distance of seventy-five feet ahead.

19 2. The intensity of the light shall be sufficient to reveal
20 persons and vehicles at a distance of at least two hundred
21 feet.

22 Sec. 98. Section 321.422, Code 2009, is amended to read as
23 follows:

24 **321.422 Red light in front.**

25 1. No person shall drive or move any vehicle or equipment
26 upon any highway with any lamp or device thereon displaying or
27 reflecting a red light visible from directly in front thereof.
28 ~~This section shall not apply to authorized emergency vehicles,~~
29 ~~or school buses and vehicles as provided in section 321.423,~~
30 ~~subsection 6.~~ No person shall display any color of light other
31 than red on the rear of any vehicle, except that stop lights
32 and directional signals may be red, yellow, or amber.

33 2. This section shall not apply to authorized emergency
34 vehicles, or school buses and vehicles as provided in section
35 321.423, subsection 6.

1 Sec. 99. Section 321.423, subsections 3, 4, and 7, Code
2 2009, are amended to read as follows:

3 3. *Blue light.*

4 a. A blue light shall not be used on any vehicle except for
5 the following:

6 ~~a.~~ (1) A vehicle owned or exclusively operated by a fire
7 department.

8 ~~b.~~ (2) A vehicle authorized by the chief of the fire
9 department if the vehicle is owned by a member of the fire
10 department, the request for authorization is made by the
11 member on forms provided by the department, and necessity for
12 authorization is demonstrated in the request.

13 ~~c.~~ (3) An authorized emergency vehicle, other than a
14 vehicle described in paragraph "a", subparagraph (1) or "b" (2),
15 if the blue light is positioned on the passenger side of the
16 vehicle and is used in conjunction with a red light positioned
17 on the driver side of the vehicle.

18 b. A person shall not use only a blue light on a vehicle
19 unless the vehicle meets the requirements of paragraph "a",
20 subparagraph (1) or "b" (2).

21 4. *Expiration of authority.* The authorization shall expire
22 at midnight on the thirty-first day of December five years from
23 the year in which it was issued, or when the vehicle is no
24 longer owned by the member, or when the member has ceased to
25 be an active member of the fire department or of an ambulance,
26 rescue, or first response service, or when the member has used
27 the blue or white light beyond the scope of its authorized use.
28 A person issued an authorization under subsection 3, paragraph
29 "b", "a", subparagraph (2), shall return the authorization to
30 the fire chief upon expiration or upon a determination by the
31 fire chief or the department that the authorization should be
32 revoked.

33 7. *Flashing white light.*

34 a. Except as provided in section 321.373, subsection 7, and
35 subsection 2, paragraphs "c" and "i" of this section, a flashing

1 white light shall only be used on a vehicle in the following
2 circumstances:

3 ~~a.~~ (1) On a vehicle owned or exclusively operated by an
4 ambulance, rescue, or first response service.

5 ~~b.~~ (2) On a vehicle authorized by the director of public
6 health when all of the following apply:

7 ~~(1)~~ (a) The vehicle is owned by a member of an ambulance,
8 rescue, or first response service.

9 ~~(2)~~ (b) The request for authorization is made by the member
10 on forms provided by the Iowa department of public health.

11 ~~(3)~~ (c) Necessity for authorization is demonstrated in the
12 request.

13 ~~(4)~~ (d) The head of an ambulance, rescue, or first response
14 service certifies that the member is in good standing and
15 recommends that the authorization be granted.

16 ~~e.~~ (3) On an authorized emergency vehicle.

17 b. The Iowa department of public health shall adopt rules
18 to establish issuance standards, including allowing local
19 emergency medical service providers to issue certificates of
20 authorization, and shall adopt rules to establish certificate
21 of authorization revocation procedures.

22 Sec. 100. Section 321.471, subsection 2, paragraph b, Code
23 2009, is amended to read as follows:

24 b. A person who violates the ordinance or resolution
25 shall, upon conviction or a guilty plea, be subject to a fine
26 determined by dividing the difference between the actual weight
27 of the vehicle and the maximum weight allowed by the ordinance
28 or resolution by one hundred and multiplying the quotient by
29 two dollars.

30 c. Local authorities may issue or approve special permits
31 allowing the operation over a bridge or culvert of vehicles
32 with weights in excess of restrictions imposed under the
33 ordinance or resolution, but not in excess of load restrictions
34 imposed by any other provision of this chapter. The local
35 authority shall issue such a permit for not to exceed eight

1 weeks upon a showing of agricultural hardship. The operator
 2 of a vehicle which is the subject of a permit issued under this
 3 paragraph shall carry the permit while operating the vehicle
 4 and shall show the permit to any peace officer upon request.

5 Sec. 101. Section 321.493, Code 2009, is amended to read as
 6 follows:

7 **321.493 Liability for damages.**

8 1. For purposes of this section:

9 a. "Owner" means the person to whom the certificate of
 10 title for the vehicle has been issued or assigned or to whom
 11 a manufacturer's or importer's certificate of origin for the
 12 vehicle has been delivered or assigned. However, if the
 13 vehicle is leased, "owner" means the person to whom the vehicle
 14 is leased, not the person to whom the certificate of title
 15 for the vehicle has been issued or assigned or to whom the
 16 manufacturer's or importer's certificate of origin for the
 17 vehicle has been delivered or assigned.

18 b. "Leased" means the transfer of the possession or
 19 right to possession of a vehicle to a lessee for a valuable
 20 consideration for a continuous period of twelve months or more,
 21 pursuant to a written agreement.

22 ~~1. 2. a. Subject to paragraph "b", in all cases where~~
 23 ~~damage is done by any motor vehicle by reason of negligence~~
 24 ~~of the driver, and driven with the consent of the owner, the~~
 25 ~~owner of the motor vehicle shall be liable for such damage.~~
 26 ~~For purposes of this subsection, "owner" means the person~~
 27 ~~to whom the certificate of title for the vehicle has been~~
 28 ~~issued or assigned or to whom a manufacturer's or importer's~~
 29 ~~certificate of origin for the vehicle has been delivered or~~
 30 ~~assigned. However, if the vehicle is leased, "owner" means~~
 31 ~~the person to whom the vehicle is leased, not the person~~
 32 ~~to whom the certificate of title for the vehicle has been~~
 33 ~~issued or assigned or to whom the manufacturer's or importer's~~
 34 ~~certificate of origin for the vehicle has been delivered or~~
 35 ~~assigned. For purposes of this subsection, "leased" means the~~

1 ~~transfer of the possession or right to possession of a vehicle~~
2 ~~to a lessee for a valuable consideration for a continuous~~
3 ~~period of twelve months or more, pursuant to a written~~
4 ~~agreement.~~

5 **b.** The owner of a vehicle with a gross vehicle weight rating
6 of seven thousand five hundred pounds or more who rents the
7 vehicle for less than a year under an agreement which requires
8 an insurance policy covering at least the minimum levels of
9 financial responsibility prescribed by law, shall not be deemed
10 to be the owner of the vehicle for the purpose of determining
11 financial responsibility for the operation of the vehicle or
12 for the acts of the operator in connection with the vehicle's
13 operation.

14 ~~2.~~ 3. A person who has made a bona fide sale or transfer
15 of the person's right, title, or interest in or to a motor
16 vehicle and who has delivered possession of the motor vehicle
17 to the purchaser or transferee shall not be liable for any
18 damage thereafter resulting from negligent operation of the
19 motor vehicle by another, but the purchaser or transferee
20 to whom possession was delivered shall be deemed the owner.
21 The provisions of section 321.45, subsection 2, ~~of section~~
22 ~~321.45~~ shall not apply in determining, for the purpose of
23 fixing liability under this subsection, whether such sale or
24 transfer was made.

25 Sec. 102. Section 321.498, Code 2009, is amended to read as
26 follows:

27 **321.498 Legal effect of use and operation.**

28 1. The acceptance by any nonresident of this state of the
29 privileges extended by the laws of this state to nonresident
30 operators or owners of operating a motor vehicle, or having the
31 same operated, within this state shall be deemed:

32 ~~1.~~ a. An agreement by the nonresident that the nonresident
33 shall be subject to the jurisdiction of the district court
34 of this state over all civil actions and proceedings against
35 the nonresident for damages to person or property growing or

1 arising out of such use and operation, and

2 ~~2.~~ b. An appointment by such nonresident of the director
3 of this state as the nonresident's lawful attorney upon whom
4 may be served all original notices of suit pertaining to such
5 actions and proceedings, and

6 ~~3.~~ c. An agreement by such nonresident that any original
7 notice of suit so served shall be of the same legal force and
8 validity as if personally served on the nonresident in this
9 state.

10 ~~4.~~ 2. The term "*nonresident*" shall include any person
11 who was, at the time of the accident or event, a resident of
12 the state of Iowa but who removed from the state before the
13 commencement of such action or proceedings.

14 Sec. 103. Section 321J.4B, subsections 2, 6, 11, and 12,
15 Code 2009, are amended to read as follows:

16 2. a. A motor vehicle is subject to impoundment in the
17 following circumstances:

18 ~~a.~~ (1) If a person operates a vehicle in violation
19 of section 321J.2, and if convicted for that conduct, the
20 conviction would be a second or subsequent offense under
21 section 321J.2.

22 ~~b.~~ (2) If a person operates a vehicle while that person's
23 driver's license or operating privilege has been suspended,
24 denied, revoked, or barred due to a violation of section
25 321J.2.

26 b. The clerk of court shall send notice of a conviction
27 of an offense for which the vehicle was impounded to the
28 impounding authority upon conviction of the defendant for such
29 offense.

30 c. Impoundment of the vehicle under this section may occur
31 in addition to any criminal penalty imposed under chapter 321
32 or this chapter for the underlying criminal offense.

33 6. Upon conviction of the defendant for a second or
34 subsequent violation of subsection 2, paragraph ~~"b"~~ "a",
35 subparagraph (2), the court shall order, if the convicted

1 person is the owner of the motor vehicle used in the commission
2 of the offense, that that motor vehicle be seized and forfeited
3 to the state pursuant to chapters 809 and 809A.

4 11. a. (1) During the period of impoundment or
5 immobilization the owner of an impounded or immobilized vehicle
6 shall not sell or transfer the title of the motor vehicle which
7 is subject to the order of impoundment or immobilization.

8 (2) A person convicted of an offense under subsection
9 2, shall not purchase or register any motor vehicle during the
10 period of impoundment, immobilization, or license revocation.

11 ~~Violation of paragraph "a" is a serious misdemeanor.~~

12 b. If, during the period of impoundment or immobilization,
13 the title to the motor vehicle which is the subject of the
14 order is transferred by the foreclosure of a chattel mortgage,
15 a sale upon execution, the cancellation of a conditional sales
16 contract, or an order of a court, the court which enters the
17 order that permits transfer of the title shall notify the
18 department of the transfer of the title. The department shall
19 enter notice of the transfer of the title to the motor vehicle
20 in the previous owner's vehicle registration record.

21 c. Violation of paragraph "a" is a serious misdemeanor.

22 12. a. Notwithstanding other requirements of this section:

23 a. (1) Upon learning the address or phone number of a
24 rental or leasing company which owns a motor vehicle impounded
25 or immobilized under this section, the peace officer, county
26 attorney, or attorney general shall immediately contact the
27 company to inform the company that the vehicle is available for
28 return to the company.

29 b. (2) The holder of a security interest in a vehicle
30 which is impounded or immobilized pursuant to this section
31 or forfeited in the manner provided in chapters 809 and 809A
32 shall be notified of the impoundment, immobilization, or
33 forfeiture within seventy-two hours of the seizure of the
34 vehicle and shall have the right to claim the motor vehicle
35 without payment of any fees or surcharges unless the value of

1 the vehicle exceeds the value of the security interest held by
2 the creditor.

3 ~~e-~~ (3) Any of the following persons may make application
4 to the court for permission to operate a motor vehicle, which
5 is impounded or immobilized pursuant to this section, during
6 the period of impoundment or immobilization, if the applicant's
7 driver's license or operating privilege has not been suspended,
8 denied, revoked, or barred, and an ignition interlock device
9 of a type approved by the commissioner of public safety is
10 installed in the motor vehicle prior to operation:

11 {1} (a) A person, other than the person who committed the
12 offense which resulted in the impoundment or immobilization,
13 who is not a member of the immediate family of the person
14 who committed the offense but is a joint owner of the motor
15 vehicle.

16 {2} (b) A member of the immediate family of the person
17 who committed the offense which resulted in the impoundment
18 or immobilization, if the member demonstrates that the motor
19 vehicle that is subject to the order for impoundment or
20 immobilization is the only motor vehicle possessed by the
21 family.

22 b. For purposes of this section, *"a member of the immediate*
23 *family"* means a spouse, child, or parent of the person who
24 committed the offense.

25 Sec. 104. Section 321J.4B, subsection 4, unnumbered
26 paragraph 1, Code 2009, is amended to read as follows:

27 An owner of a motor vehicle impounded or immobilized under
28 this section, who knows of, should have known of, or gives
29 consent to the operation of, the motor vehicle in violation of
30 subsection 2, paragraph ~~"b"~~ "a", subparagraph (2), shall be:

31 Sec. 105. Section 321J.4B, subsection 5, paragraph b,
32 unnumbered paragraph 1, Code 2009, is amended to read as
33 follows:

34 Upon conviction of the defendant for a violation of
35 subsection 2, paragraph "a", subparagraph (1), the court may

1 order continued impoundment, or the immobilization, of the
2 motor vehicle used in the commission of the offense, if the
3 convicted person is the owner of the motor vehicle, and shall
4 specify all of the following in the order:

5 Sec. 106. Section 321J.4B, subsection 5, paragraph g, Code
6 2009, is amended to read as follows:

7 *g.* Upon receipt of a court order for continued impoundment
8 or immobilization of the motor vehicle, the agency shall review
9 the value of the vehicle in relation to the costs associated
10 with the period of impoundment of the motor vehicle specified
11 in the order. If the agency determines that the costs of
12 impoundment of the motor vehicle exceed the actual wholesale
13 value of the motor vehicle, the agency may treat the vehicle as
14 an abandoned vehicle pursuant to section 321.89. If the agency
15 elects to treat the motor vehicle as abandoned, the agency
16 shall notify the registered owner of the motor vehicle that
17 the vehicle shall be deemed abandoned and shall be sold in the
18 manner provided in section 321.89 if payment of the total cost
19 of impoundment is not received within twenty-one days of the
20 mailing of the notice. The agency shall provide documentation
21 regarding the valuation of the vehicle and the costs of
22 impoundment. This paragraph shall not apply to vehicles that
23 are immobilized pursuant to this section or if subsection 12,
24 paragraph "*a*", subparagraph (1) or "*b*" (2), applies.

25 Sec. 107. Section 322.2, unnumbered paragraph 2, Code 2009,
26 is amended by striking the unnumbered paragraph.

27 Sec. 108. Section 322.5, subsections 1, 4, and 5, Code 2009,
28 are amended to read as follows:

29 1. *a.* The license fee for a motor vehicle dealer for a
30 two-year period or part thereof is the sum of seventy dollars
31 for the licensee's principal place of business in each city
32 or township and an additional twenty dollars for a two-year
33 period or part thereof for each car lot which is in the city or
34 township in which the principal place of business is located
35 and which is not adjacent to that place, to be paid to the

1 department at the time a license is applied for. In case the
2 application is denied, the department shall refund the amount
3 of the fee to the applicant.

4 b. For the purposes of this section, "*adjacent*" means that
5 the principal place of business and each additional lot are
6 adjoining parcels of property. Parcels

7 ~~For the purposes of this subsection, parcels~~ of property
8 shall be deemed to be adjacent if the parcels are only
9 separated by an alley, street, or highway that is not a
10 controlled-access facility.

11 4. a. A nonresident motor vehicle dealer, who is authorized
12 by a written contract with a manufacturer or distributor of
13 new motor trucks to sell at retail such new motor trucks, may
14 display motor trucks within this state at qualified events
15 approved by the department. The dealer must obtain a temporary
16 permit from the department. An application for a temporary
17 permit shall be made upon a form provided by the department
18 and shall be accompanied by a ten dollar permit fee. Permits
19 shall be issued for a period not to exceed fourteen days. The
20 department shall issue a temporary permit under this subsection
21 only if the qualified event for which the permit is issued
22 meets all of the following conditions:

23 ~~a.~~ (1) The sale of motor vehicles is not allowed during the
24 qualified event.

25 ~~b.~~ (2) The qualified event is conducted in a controlled
26 area and is not open to the public generally.

27 ~~c.~~ (3) The qualified event generally promotes the motor
28 truck industry.

29 ~~d.~~ (4) The qualified event is conducted within the area of
30 responsibility that is specified in the motor vehicle dealer's
31 contract with the manufacturer or distributor.

32 b. A temporary permit shall not be issued under this
33 subsection unless the state in which the nonresident motor
34 vehicle dealer is licensed extends by reciprocity similar
35 privileges to a motor vehicle dealer licensed by this state.

1 5. a. A manufacturer, distributor, or dealer may, upon
 2 receipt of a temporary permit approved by the department,
 3 display new ambulances, new fire vehicles, and new rescue
 4 vehicles for educational purposes only at vehicle shows and
 5 vehicle exhibitions conducted for the express purpose of
 6 educating fire and rescue personnel in new technology and
 7 techniques for fire fighting and rescue efforts. Application
 8 for temporary permits shall be made upon forms provided by the
 9 department and shall be accompanied by a ten-dollar permit fee.
 10 Permits shall be issued for a single show or exhibition, not to
 11 exceed five consecutive days.

12 b. A temporary permit shall not be issued under this
 13 subsection to a nonresident manufacturer, distributor, or
 14 dealer unless the state in which the nonresident manufacturer,
 15 distributor, or dealer is licensed extends by reciprocity
 16 similar privileges to a manufacturer, distributor, or dealer
 17 licensed by this state.

18 Sec. 109. Section 322.15, Code 2009, is amended to read as
 19 follows:

20 **322.15 ~~Liberal construction~~ Construction of chapter.**

21 1. All provisions of this chapter shall be liberally
 22 construed to the end that the practice or commission of
 23 fraud in the sale, barter, or disposition of motor vehicles
 24 at retail in this state may be prohibited and prevented,
 25 and irresponsible, unreliable, or dishonest persons may be
 26 prevented from engaging in the business of selling, bartering,
 27 or otherwise dealing in motor vehicles at retail in this
 28 state and reliable persons may be encouraged to engage in the
 29 business of selling, bartering, and otherwise dealing in motor
 30 vehicles at retail in this state.

31 2. Nothing contained herein shall be construed to require
 32 the licensing or to apply to any bank, credit union, or trust
 33 company in Iowa.

34 Sec. 110. Section 322A.2, Code 2009, is amended to read as
 35 follows:

1 **322A.2 Discontinuing franchise.**

2 1. Notwithstanding Unless otherwise provided in subsection
3 2, notwithstanding the terms, provisions, or conditions of any
4 agreement or franchise, ~~no~~ a franchiser shall not terminate
5 or refuse to continue any franchise unless the franchiser has
6 first established, in a hearing held under the provisions of
7 this chapter, that both of the following apply:

8 ~~1. a.~~ The franchiser has good cause for termination or
9 noncontinuance, ~~and.~~

10 ~~2. b.~~ Upon termination or noncontinuance, another franchise
11 in the same line-make will become effective in the same
12 community, without diminution of the motor vehicle service
13 formerly provided, or that the community cannot be reasonably
14 expected to support such a dealership; ~~provided, however, a.~~

15 2. A franchiser may terminate a franchise for a particular
16 line-make if the franchiser discontinues that line-make and
17 a franchiser may terminate a franchise if the franchisee's
18 license as a motor vehicle dealer is revoked pursuant to the
19 provisions of chapter 322.

20 Sec. 111. Section 327F.14, Code 2009, is amended to read as
21 follows:

22 **327F.14 Lights on track power cars.**

23 1. Any person, firm, or corporation owning or operating
24 a track power car in this state shall insure that such track
25 power car is equipped with an electric headlight that will
26 enable the operator to see an unlighted obstruction on the
27 track at a distance of three hundred feet in clear weather. A
28 track power car shall also be equipped with two rear electric
29 red lights of such construction to be plainly visible during
30 hours of darkness on a clear night at a distance of three
31 hundred feet.

32 2. Such lights shall be in operation when the track power
33 car is being operated.

34 3. These lighting requirements shall not be construed to
35 penalize any person, firm, or corporation if it can be shown

1 that such lighting equipment was present in good and sufficient
2 working order at the beginning of a trip and became disabled
3 during the trip.

4 4. A person, firm, or corporation found guilty of
5 a violation of this section shall, upon conviction, be subject
6 to a schedule "one" penalty.

7 Sec. 112. Section 327F.36, Code 2009, is amended to read as
8 follows:

9 **327F.36 Screen exhaust fire controls.**

10 1. No locomotive or other rolling stock shall be operated
11 unless it is equipped with proper deflector and screen exhaust
12 fire controls and uses adequate devices to prevent the escape
13 of blowing or burning materials or substances and is maintained
14 in good working order to protect against the start and spread
15 of fires along the right-of-way.

16 2. A violation of this section ~~shall, upon conviction,~~
17 ~~be subject to a schedule "one" penalty~~ is a public offense.
18 The railroad corporation, and any officer, agent, lessee, or
19 independent contractor found guilty of a violation of this
20 section, upon conviction, shall be subject to a schedule "one"
21 penalty.

22 3. In the event a right-of-way fire can be attributed to
23 faulty screen exhaust fire control equipment, a local fire
24 department may collect reasonable hourly charges, not to exceed
25 a total of two hundred fifty dollars for each call from the
26 railroad corporation.

27 Sec. 113. Section 328.1, Code 2009, is amended to read as
28 follows:

29 **328.1 Definitions.**

30 1. The following words, terms, and phrases when used in
31 this chapter shall, for the purposes of this chapter, have the
32 meanings herein given, unless otherwise specifically defined,
33 or unless another intention clearly appears, or the context
34 otherwise requires:

35 ~~1.~~ a. "Aeronautics" means transportation by aircraft,

1 the operation, construction, repair, or maintenance of
2 aircraft, aircraft power plants and accessories, including
3 the repair, packing, and maintenance of parachutes, the
4 design, establishment, construction, extension, operation,
5 improvement, repair, or maintenance of landing areas, or other
6 air navigation facilities, and air instruction.

7 2. b. "*Aeronautics instructor*" means any individual giving
8 or offering to give instruction, in aeronautics, either in
9 flying or ground subjects, or both, for hire or reward.

10 3. c. "*Air carrier airport*" means an existing public
11 airport regularly served by an air carrier, other than a
12 supplemental air carrier, certificated by the civil aviation
13 board under section 401 of the federal Aviation Act of 1958.

14 4. d. "*Aircraft*" means any contrivance now known, or
15 hereafter invented, used or designed for navigation of or
16 flight in the air, for the purpose of transporting persons or
17 property, or both.

18 5. e. "*Air instruction*" means the imparting of aeronautical
19 information, by any aeronautics instructor, or in or by any air
20 school or flying club.

21 6. f. "*Air navigation*" means the operation or navigation of
22 aircraft in the air space over this state, or upon any landing
23 area within this state.

24 7. g. "*Air navigation facility*" means any facility,
25 other than one owned or controlled by the federal government,
26 used, available for use, or designed for use, in aid of air
27 navigation, including landing areas, and any structures,
28 mechanisms, lights, beacons, markers, communicating systems,
29 or other instrumentalities or devices having a similar purpose
30 for guiding or controlling flight in the air or the landing and
31 take-off of aircraft.

32 8. h. "*Airperson*" means any individual who engages, as
33 the person in command, or as pilot, mechanic, or member of
34 the crew, in the navigation of aircraft while under way and
35 any individual who is directly in charge of the inspection,

1 maintenance, overhauling, or repair of aircraft, aircraft
2 engines, propellers, aircraft appliances, or parachutes;
3 and any individual who serves in the capacity of aircraft
4 dispatcher or air-traffic control-tower operator. It shall
5 not include individuals engaged in aeronautics as an employee
6 of the United States or any state or foreign country and
7 any individuals employed by a manufacturer of aircraft,
8 aircraft engines, propellers, or appliances to perform duties
9 as inspector or mechanic in connection therewith, and any
10 individual performing inspection or mechanical duties in
11 connection with aircraft owned or operated by the individual.

12 ~~9.~~ i. "*Airport*" means any landing area used regularly by
13 aircraft for receiving or discharging passengers or cargo, and
14 all appurtenant areas used or suitable for airport buildings or
15 other airport facilities, and all appurtenant rights-of-way,
16 whether heretofore or hereafter established. "*Airport*" includes
17 land within a city with a population greater than one hundred
18 seventy-five thousand which is acquired to replace or mitigate
19 land used in an airport runway project at an existing airport
20 when federal law, grant, or action requires such replacement
21 or mitigation.

22 ~~10.~~ j. "*Air school*" means any person engaged in giving,
23 or offering to give, instruction, in aeronautics, either in
24 flying or ground subjects, or both, for hire or reward, and
25 who employs other persons for such purposes. It does not
26 include any public school or university of this state, or any
27 institution of higher learning duly accredited and approved for
28 carrying on collegiate work.

29 ~~11.~~ k. "*Air taxi operator*" means an operator who engages
30 in the air transportation of passengers, property, and mail
31 by aircraft on public demand for compensation and does not
32 directly or indirectly utilize aircraft with a capacity of more
33 than thirty passengers or seventy-five hundred pounds maximum
34 payload, unless exempted by the aeronautics and public transit
35 administrator of the department.

- 1 ~~12.~~ 1. "*Civil aircraft*" means any aircraft other than a
2 public aircraft.
- 3 ~~13.~~ ~~a.~~ m. "*Commission*" means the state transportation
4 commission of the state department of transportation.
- 5 ~~b.~~ "*Department*" means the state department of
6 transportation.
- 7 ~~c.~~ "*Director*" means the director of transportation or the
8 director's designee.
- 9 ~~14.~~ n. "*Commuter air carrier*" means an air taxi operator
10 which operates not less than five round trips per week between
11 two or more points and publishes flight schedules which specify
12 the times, days of the week, and places between which such
13 flights are performed or transports mail pursuant to a current
14 contract with the United States postal service.
- 15 o. "*Department*" means the state department of
16 transportation.
- 17 p. "*Director*" means the director of transportation or the
18 director's designee.
- 19 ~~15.~~ q. "*General aviation airport*" means any airport that
20 is not an air carrier airport.
- 21 ~~16.~~ r. "*Governmental subdivision*" means any county or city
22 of this state, and any other political subdivision, public
23 corporation, authority, or district in this state which is or
24 may be authorized by law to acquire, establish, construct,
25 maintain, improve, and operate landing areas and other air
26 navigation facilities.
- 27 ~~17.~~ s. "*Landing area*" means any locality, either of land
28 or water, including intermediate landing fields, which is
29 used or intended to be used, for the landing and take-off
30 of aircraft, whether or not facilities are provided for the
31 shelter, servicing, or repair of aircraft, or for receiving
32 or discharging passengers or cargo; it does not include any
33 intermediate landing field established or maintained by the
34 federal government as a part of any civil airway.
- 35 ~~18.~~ t. "*Operation for hire*" shall mean hire to the general

1 public or members or classes thereof, and shall not include
2 such operations as are incidental to the carrying on of the
3 general business of an aircraft owner engaged in business other
4 than aeronautics.

5 ~~19.~~ u. "*Operation of aircraft*" or "*operate aircraft*" means
6 the use of aircraft for the purpose of air navigation, and
7 includes the navigation or piloting of aircraft and shall
8 embrace any person who causes or authorizes the operation of
9 aircraft, whether with or without the right of legal control
10 (in the capacity of owner, lessee, or otherwise).

11 ~~20.~~ v. "*Owner*" means a person owning or renting an
12 aircraft, or having the exclusive use of an aircraft, for a
13 period of more than thirty days.

14 ~~21.~~ w. "*Person*" means any individual, firm, partnership,
15 corporation, company, association, joint stock association, or
16 body politic; and includes any trustee, receiver, assignee, or
17 other similar representative thereof.

18 ~~22.~~ x. "*Public aircraft*" means an aircraft used exclusively
19 in the service of any government or of any political
20 subdivision thereof, including the government of any state,
21 territory, or possession of the United States, or the District
22 of Columbia, but not including any government-owned aircraft
23 engaged in carrying persons or property for commercial
24 purposes.

25 ~~23.~~ 2. The singular shall include the plural, and the
26 plural the singular.

27 Sec. 114. Section 328.21, subsection 4, Code 2009, is
28 amended to read as follows:

29 4. Should the department find and determine that no
30 established manufacturer's list price exists for any such
31 aircraft the department is hereby authorized and empowered
32 to determine and fix the fair value of such aircraft which
33 fair value shall be used in lieu of a manufacturers' list
34 price in computing the registration fee for each such aircraft
35 as otherwise provided by this section. When the fee as so

1 computed results in a fractional part of a dollar, it shall be
2 computed to the nearest dollar.

3 ~~When the fee as so computed results in a fractional part of a~~
4 ~~dollar, it shall be computed to the nearest dollar.~~

5 Sec. 115. Section 328.38, Code 2009, is amended to read as
6 follows:

7 **328.38 Exhibition of certificates.**

8 ~~The~~ Unless otherwise provided in this chapter, the
9 certificate of registration or special certificate issued by
10 the department or any agency of another state ~~(unless the~~
11 ~~requirement therefor is excepted by the provisions of this~~
12 ~~chapter)~~ must be presented for inspection upon demand of any
13 passenger, peace officer, authorized member, official, or
14 employee of the department or any official, manager, or person
15 in charge of any landing area in this state where landing is
16 made and shall, as to:

17 1. For an airperson or aeronautics instructor, be kept
18 in that person's personal possession whenever engaging in
19 aeronautics; ~~as to.~~

20 2. For an aircraft, be conspicuously displayed therein; ~~as~~
21 ~~to~~ in the aircraft.

22 3. For a landing area, be conspicuously displayed in the
23 office of the person in charge thereof; ~~as to~~ of the landing
24 area.

25 4. For an air school, be conspicuously displayed in the
26 principal office thereof; ~~and as to~~ of the school.

27 5. For a navigation facility, be conspicuously displayed
28 in the office of the person responsible for the operation
29 thereof; ~~and must be presented for inspection upon demand of~~
30 ~~any passenger, peace officer, authorized member, official, or~~
31 ~~employee of the department or any official, manager, or person~~
32 ~~in charge of any landing area in this state where landing is~~
33 made of the facility.

34 Sec. 116. Section 329.12, Code 2009, is amended to read as
35 follows:

1 **329.12 Board of adjustment — creation — powers — duties.**

2 1. The governing body of any municipality seeking to
3 exercise powers under this chapter shall by ordinance provide
4 for the appointment of a board of adjustment, as provided in
5 section 414.7 for a city, or as provided in section 335.10 for
6 a county. The board of adjustment has the same powers and
7 duties, and its procedure and appeals are subject to the same
8 provisions as established in sections 414.9 to 414.19 for a
9 city, or sections 335.12 to 335.21 for a county.

10 ~~The concurring vote of a majority of the board shall be~~
11 ~~necessary to reverse any order, requirement, decision or~~
12 ~~determination of any administrative official or to decide~~
13 ~~in favor of the applicant on any matter upon which it is~~
14 ~~required to pass under any regulations adopted pursuant to this~~
15 ~~chapter or to effect any variance therefrom.~~

16 2. a. The board of adjustment shall consist of two members
17 from each municipality, selected by the governing body thereof,
18 and one additional member to act as chairperson and to be
19 selected by a majority vote of the members selected by the
20 municipality. ~~Members shall be removable for cause by the~~
21 ~~appointing authority upon written charges and after public~~
22 ~~hearing. Vacancies shall be filled for the unexpired term of~~
23 ~~any member whose office becomes vacant in the same manner in~~
24 ~~which said member was selected.~~

25 b. The terms of the members of the board of adjustment shall
26 be for five years, excepting that when the board shall first
27 be created, one of the members appointed by each municipality
28 shall be appointed for a term of two years and one for a term
29 of four years.

30 c. Vacancies shall be filled for the unexpired term of any
31 member whose office becomes vacant in the same manner in which
32 that member was selected.

33 d. Members shall be removable for cause by the appointing
34 authority upon written charges and after public hearing.

35 3. The concurring vote of a majority of the board shall be

1 necessary to do any of the following:

2 a. Reverse any order, requirement, decision, or
3 determination of any administrative official.

4 b. Decide in favor of the applicant on any matter upon which
5 the board is required to pass under any regulations adopted
6 pursuant to this chapter.

7 c. Effect any variance from any regulations adopted pursuant
8 to this chapter.

9 Sec. 117. Section 331.206, subsection 2, Code 2009, is
10 amended to read as follows:

11 2. The plan used under subsection 1 shall be selected by the
12 board or by a special election as provided in section 331.207.

13 a. A plan selected by the board shall remain in effect for
14 at least six years unless it is changed by a special election
15 as provided in section 331.207.

16 b. A plan selected by the board shall become effective
17 on the first day in January which is not a Sunday or holiday
18 following the next general election, at which time the terms of
19 the members expire and the terms of the members elected under
20 the requirements of the new supervisor representation plan at
21 the general election as specified in section 331.208, 331.209,
22 or 331.210 shall commence.

23 Sec. 118. Section 331.233, subsections 2 and 3, Code 2009,
24 are amended to read as follows:

25 2. Only eligible electors of the county not holding
26 a city, county, or state office shall be members of the
27 commission. In counties having multiple state legislative
28 districts, the districts shall be represented as equally as
29 possible. The membership shall be bipartisan and gender
30 balanced and each appointing authority under subsection
31 1 shall provide for representation of various age groups,
32 racial minorities, economic groups, and representatives
33 of identifiable geographically defined populations, all in
34 reasonable relationship to the proportions in which these
35 groups are present in the population of the commission area. A

1 vacancy on the commission shall be filled by appointment in the
2 same manner as the original appointment. The county auditor
3 shall notify the appropriate appointing authority of a vacancy.

4 3. The legislative appointing authorities shall be
5 considered one appointing authority for the purpose of
6 complying with ~~this~~ subsection 2. The senior legislative
7 appointing authority in terms of length of legislative service
8 shall convene the legislative appointing authorities to consult
9 for the purpose of complying with ~~this~~ subsection 2.

10 ~~3.~~ 4. If at any time during the commission process, the
11 commission adopts a resolution by majority vote to prepare a
12 charter proposing city-county consolidation or the community
13 commonwealth form, additional members shall be appointed to the
14 commission in order to comply with section 331.233A. The life
15 of the commission shall be extended up to six months after the
16 appointment of the additional members.

17 Sec. 119. Section 331.430, subsection 2, Code 2009, is
18 amended to read as follows:

19 2. The board may make appropriations from the debt service
20 fund for the following debt service:

21 a. Judgments against the county, except those authorized by
22 law to be paid from sources other than property tax.

23 b. Interest as it becomes due and the amount necessary
24 to pay, or to create a sinking fund to pay, the principal at
25 maturity of all general obligation bonds issued by the county.

26 c. Payments required to be made from the debt service fund
27 under a lease or lease-purchase agreement.

28 ~~For the purposes of this section, warrants issued by a county~~
29 ~~in anticipation of revenue, refunding or refinancing of such~~
30 ~~warrants, and judgments based on a default in payment of such~~
31 ~~warrants shall not be considered debt payable from the debt~~
32 ~~service fund.~~

33 Sec. 120. Section 331.430, Code 2009, is amended by adding
34 the following new subsection:

35 NEW SUBSECTION. 5. For the purposes of this section,

1 warrants issued by a county in anticipation of revenue,
2 refunding or refinancing of such warrants, and judgments
3 based on a default in payment of such warrants shall not be
4 considered debt payable from the debt service fund.

5 Sec. 121. Section 354.25, Code 2009, is amended to read as
6 follows:

7 **354.25 Survey and replat of official plats.**

8 1. A survey of an official plat shall conform as nearly
9 as possible to the original lot lines shown on the official
10 plat. The surveyor may summon witnesses, administer oaths, and
11 prepare affidavits and boundary line agreements as necessary in
12 order to establish the location of property lines or lot lines.
13 If a substantial error is discovered in an official plat or
14 if it is found to be materially defective, a proprietor may
15 petition the governing body which would have jurisdiction to
16 approve the plat at the time the petition is filed for a replat
17 of any part of the official plat. Notice of the proposed
18 replat shall be served, in the manner of original notice as
19 provided in Iowa rules of civil procedure, to the proprietors
20 of record and holders of easements specifically recorded within
21 the area to be replatted. The governing body has jurisdiction
22 of the matter upon proof of publication of notice of the
23 petition once each week for two weeks in a newspaper of general
24 circulation within the area of the replat.

25 2. A All of the following shall apply to a replat of an
26 official plat ordered by the governing body:

27 ~~1- a. Shall~~ The replat shall be prepared by a surveyor
28 pursuant to chapter 355 and recorded; ~~and.~~

29 ~~2- b. Shall~~ The replat shall be exempt from the provisions
30 of section 354.11; ~~and.~~

31 ~~3- c. Shall~~ The replat shall have attached to the plat a
32 statement by the surveyor that the replat is prepared at the
33 direction of the governing body.

34 3. The costs of the replat shall be presented to the auditor
35 and assessed against the property included in the replat as

1 provided for in section 354.17.

2 Sec. 122. Section 357H.1, subsection 2, Code 2009, is
3 amended to read as follows:

4 2. For purposes of this chapter, ~~"improvements":~~

5 a. "Board" means the board of supervisors of the county.

6 b. "Improvements" means dredging, installation of erosion
7 control measures, land acquisition, and related improvements,
8 including soil conservation practices, within or outside of the
9 boundaries of the zone.

10 ~~For purposes of this chapter, "board" means the board of~~
11 ~~supervisors of the county.~~

12 Sec. 123. Section 358.16, subsections 1 and 2, Code
13 Supplement 2009, are amended to read as follows:

14 1. a. The board of trustees of any sanitary district
15 organized under this chapter shall have power to provide for
16 the disposal of the sewage thereof, including the sewage and
17 drainage of any city or village within the boundaries of such
18 district; to acquire, lay out, locate, establish, construct,
19 maintain, and operate one or more drains, conduits, treatment
20 plants, disposal plants, pumping plants, works, ditches,
21 channels, and outlets of such capacity and character as may
22 be required for the treatment, carrying off, and disposal of
23 the sewage and industrial wastes and other drainage incidental
24 thereto of such district; to lay out, establish, construct,
25 maintain, and operate all such adjuncts, additions, auxiliary
26 improvements, and works as may be necessary or proper for
27 accomplishment of the purposes intended, and to procure
28 supplies of water for operating, diluting, and flushing
29 purposes; to maintain, repair, change, enlarge, and add to
30 such facilities, improvements, and works as may be necessary
31 or proper to meet the future requirements for the purposes
32 aforesaid; and, when necessary for such purposes, any such
33 facilities, improvements, and works and the maintenance
34 and operation thereof may extend beyond the limits of such
35 district, and the rights and powers of said board of trustees

1 in respect thereto shall be the same as if located within
2 said district, provided, no taxes shall be levied upon any
3 property outside of such district; and provided further, that
4 the district shall be liable for all damages sustained beyond
5 its limits in consequence of any work or improvement authorized
6 hereunder.

7 b. The board of trustees, however, may upon such petition
8 of property owners representing at least twenty-five percent
9 of the valuation of property not included within the district
10 as constituted which seeks benefit from the operation of such
11 sanitary district, include such property and the area involved
12 within the limits of such sanitary district, and such added
13 areas shall be subject to the same taxation as other portions
14 of the district.

15 c. Nothing contained herein shall be construed to
16 authorize or empower such board of trustees to operate a
17 system of waterworks for the purpose of furnishing water to
18 the inhabitants of the district, or to construct, maintain,
19 or operate local municipal sewerage facilities, or to deprive
20 municipalities within the district of their powers to construct
21 and operate sewers for local purposes within their limits.

22 d. The board of trustees of such sanitary district may,
23 however, upon petition of the council or governing body of any
24 incorporated city within the sanitary district, contract with
25 such city to undertake the operation of local municipal sewage
26 facilities as part of the functioning of the sanitary district
27 and make an agreement with such municipality for the levying of
28 additional sewer or sewage disposal taxes, which taxes shall be
29 levied by the municipality as now provided by law.

30 2. a. The board of trustees may require connection to the
31 sanitary sewer system established, maintained, or operated by
32 the district from any adjacent property within the district,
33 and require the installation of sanitary toilets or other
34 sanitary sewage facilities and removal of other toilet and
35 other sewage facilities on the property. However, the board

1 of trustees shall not regulate, restrict the use, or require
2 the connection of a private sewage disposal facility previously
3 approved by the county board of health pursuant to section
4 455B.172 without the prior approval of that board of health.

5 b. If the property owner does not perform an action required
6 under ~~the preceding~~ paragraph "a" within a reasonable time
7 after notice and hearing, the board of trustees may perform
8 the required action and assess the costs of the action against
9 the property for collection in the same manner as a property
10 tax. The notice shall state the nature of the action and
11 the time within which the action is required to be performed
12 by the property owner, state the date, time, and place where
13 the property owner will be heard by the board of trustees for
14 the purpose of stating why the intended action should not be
15 required, and shall be given by certified mail to the property
16 owner as shown on the records of the county auditor not less
17 than four nor more than twenty days before the date of the
18 hearing.

19 c. However, in the event of an emergency when the delay
20 of notice and hearing might cause serious loss or injury to
21 persons or property within the district, the board of trustees
22 may perform any action which may be required under this section
23 without prior notice and hearing, and assess the cost as
24 provided in this section, following notice to the property
25 owner and hearing in the time and manner provided in ~~the~~
26 ~~preceding~~ paragraph "b". In that event the board of trustees
27 shall, by resolution, make a finding of the necessity to
28 institute emergency proceedings under this section, and shall
29 procure a certificate from a competent licensed professional
30 engineer or registered architect certifying that emergency
31 action is necessary.

32 Sec. 124. Section 380.1, Code 2009, is amended to read as
33 follows:

34 **380.1 Definitions.**

35 As used in this chapter, unless the context otherwise

1 requires, ~~"book",~~:

2 a. "All of the members of the council" refers to all of the
3 seats of the council including a vacant seat and a seat where
4 the member is absent, but does not include a seat where the
5 council member declines to vote by reason of a conflict of
6 interest.

7 b. "Book", "list", "record", or "schedule" kept by a county
8 auditor, assessor, treasurer, recorder, sheriff, or other
9 county officer means the county system as defined in section
10 445.1.

11 Sec. 125. Section 380.4, Code 2009, is amended to read as
12 follows:

13 **380.4 Majority requirement — tie vote — conflicts of**
14 **interest.**

15 1. Passage of an ordinance, amendment, or resolution
16 requires a majority vote of all of the members of the council,
17 except when the mayor may vote to break a tie vote in a city
18 with an even number of council members, as provided in section
19 372.4. Passage of a motion requires a majority vote of a
20 quorum of the council. A resolution must be passed to spend
21 public funds in excess of one hundred thousand dollars on a
22 public improvement project, or to accept public improvements
23 and facilities upon their completion. Each council member's
24 vote on a measure must be recorded. A measure which fails
25 to receive sufficient votes for passage shall be considered
26 defeated.

27 ~~As used in this chapter, "all of the members of the~~
28 ~~council" refers to all of the seats of the council including~~
29 ~~a vacant seat and a seat where the member is absent, but does~~
30 ~~not include a seat where the council member declines to vote by~~
31 ~~reason of a conflict of interest.~~

32 2. A measure voted upon is not invalid by reason of a
33 conflict of interest in a member of the council, unless the
34 vote of the member of the council was decisive to passage
35 of the measure. The vote must be computed on the basis of

1 the number of members not disqualified by reason of conflict
2 of interest. However, a majority of all members is required
3 for a quorum. For the purpose of this section, the statement
4 of a council member that the council member declines to vote
5 by reason of conflict of interest is conclusive and must be
6 entered of record.

7 Sec. 126. Section 384.4, Code 2009, is amended to read as
8 follows:

9 **384.4 Debt service fund.**

10 1. A city shall establish a debt service fund and shall
11 certify taxes to be levied for the debt service fund in the
12 amount necessary to pay:

13 ~~1-~~ a. Judgments against the city, except those authorized
14 by state law to be paid from other funds.

15 ~~2-~~ b. Interest as it becomes due and the amount necessary
16 to pay, or to create a sinking fund to pay, the principal at
17 maturity of all general obligation bonds issued by the city or
18 to pay, or to create a sinking fund to pay, amounts as due on
19 loans received through the former Iowa community development
20 loan program pursuant to section 15E.120.

21 ~~3-~~ c. Payments required to be made from the debt service
22 fund under a lease or lease-purchase agreement.

23 ~~4-~~ d. Payments required to be made from the debt service
24 fund under a loan agreement.

25 2. Moneys pledged or available to service general
26 obligation bonds, and received from sources other than property
27 taxes, must be deposited in the debt service fund.

28 3. If a final judgment is entered against a city with a
29 population of five hundred or less for an amount in excess of
30 eighty-eight thousand dollars over and above what is covered
31 by liability insurance, such city may spread the budgeting and
32 payment of that portion not covered by insurance over a period
33 of time not to exceed ten years. Interest shall be paid by the
34 city on the unpaid balance. This ~~paragraph~~ subsection shall
35 only apply to final judgments entered but not fully satisfied

1 prior to March 25, 1976.

2 Sec. 127. Section 384.16, subsection 1, Code 2009, is
3 amended to read as follows:

4 1. a. A budget must be prepared for at least the following
5 fiscal year. When required by rules of the committee, a
6 tentative budget must be prepared for one or two ensuing years.
7 A proposed budget must show estimates of the following:

8 ~~a.~~ (1) Expenditures for each program.

9 ~~b.~~ (2) Income from sources other than property taxation.

10 ~~c.~~ (3) Amount to be raised by property taxation, and the
11 property tax rate expressed in dollars per one thousand dollars
12 assessed valuation.

13 b. A budget must show comparisons between the estimated
14 expenditures in each program in the following year, the latest
15 estimated expenditures in each program in the current year,
16 and the actual expenditures in each program from the annual
17 report as provided in section 384.22, or as corrected by a
18 subsequent audit report. Wherever practicable, as provided in
19 rules of the committee, a budget must show comparisons between
20 the levels of service provided by each program as estimated for
21 the following year, and actual levels of service provided by
22 each program during the two preceding years. For each city
23 that has established an urban renewal area, the budget shall
24 include estimated and actual tax increment financing revenues
25 and all estimated and actual expenditures of the revenues,
26 proceeds from debt and all estimated and actual expenditures of
27 the debt proceeds, and identification of any entity receiving
28 a direct payment of taxes funded by tax increment financing
29 revenues and shall include the total amount of loans, advances,
30 indebtedness, or bonds outstanding at the close of the most
31 recently ended fiscal year, which qualify for payment from the
32 special fund created in section 403.19, including interest
33 negotiated on such loans, advances, indebtedness, or bonds.
34 ~~For purposes of this subsection, "indebtedness" includes~~
35 ~~written agreements whereby the city agrees to suspend, abate,~~

1 ~~exempt, rebate, refund, or reimburse property taxes, provide~~
 2 ~~a grant for property taxes paid, or make a direct payment~~
 3 ~~of taxes, with moneys in the special fund.~~ The amount of
 4 loans, advances, indebtedness, or bonds shall be listed in
 5 the aggregate for each city reporting. The city finance
 6 committee, in consultation with the department of management
 7 and the legislative services agency, shall determine reporting
 8 criteria and shall prepare a form for reports filed with the
 9 department pursuant to this section. The department shall make
 10 the information available by electronic means.

11 c. For purposes of this subsection, "indebtedness" includes
 12 written agreements whereby the city agrees to suspend, abate,
 13 exempt, rebate, refund, or reimburse property taxes, provide
 14 a grant for property taxes paid, or make a direct payment of
 15 taxes, with moneys in the special fund.

16 Sec. 128. Section 384.54, unnumbered paragraph 1, Code
 17 2009, is amended to read as follows:

18 1. At any time after final adoption of the resolution of
 19 necessity, but before awarding the contract, the council may
 20 proceed as follows: direct the city attorney to file, in the
 21 district court of the county in which the property proposed to
 22 be assessed is located, a petition praying that the acts done
 23 by the council relative to the proposed public improvement be
 24 confirmed by decree.

25 Sec. 129. Section 384.54, subsection 1, Code 2009, is
 26 amended by striking the subsection.

27 Sec. 130. Section 384.54, subsection 15, Code 2009, is
 28 amended to read as follows:

29 15. a. The cost of all court proceedings are a legitimate
 30 item of expense in connection with a public improvement,
 31 and may be included within the final assessment against any
 32 property specially benefited in the assessment district.

33 b. Whenever on a hearing by the court, the amount of any
 34 assessment is reduced or canceled so that there is a deficiency
 35 in the total amount remaining assessed in the proceeding, the

1 court may assess the deficiency to the city or distribute the
2 deficiency upon the other property abutting upon or adjacent to
3 the improvement or in the district assessed, in a manner the
4 court finds to be just and equitable, not exceeding, however,
5 the amount the property would be specially benefited by the
6 improvement, and not exceeding twenty-five percent of the value
7 of the lot as shown by the plat and schedule of assessments or
8 as reduced by the court.

9 Sec. 131. Section 400.28, Code 2009, is amended to read as
10 follows:

11 **400.28 Employees — number diminished.**

12 1. When the public interest requires a diminution of
13 employees in a classification or grade under civil service,
14 the city council, acting in good faith, may do either of the
15 following:

16 ~~1. a.~~ Abolish the office and remove the employee from the
17 employee's classification or grade thereunder, ~~or.~~

18 ~~2. b.~~ Reduce the number of employees in any classification
19 or grade by suspending the necessary number.

20 2. In case it thus becomes necessary to so remove or suspend
21 any such employees, the persons so removed or suspended shall
22 be those having seniority of the shortest duration in the
23 classifications or grades affected, and such seniority shall be
24 computed as provided in section 400.12 for all persons holding
25 seniority in the classification or grade affected, regardless
26 of their seniority in any other classification or grade, but
27 any such employee so removed from any classification or grade
28 shall revert to the employee's seniority in the next lower
29 grade or classification; if such seniority is equal, then the
30 one less efficient and competent as determined by the person or
31 body having the appointing power shall be the one affected.

32 3. In case of removal or suspension, the civil service
33 commission shall issue to each person affected one certificate
34 showing the person's comparative seniority or length of service
35 in each of the classifications or grades from which the person

1 is so removed and the fact that the person has been honorably
2 removed. The certificate shall also list each classification
3 or grade in which the person was previously employed. The
4 person's name shall be carried for a period of not less than
5 three years after the suspension or removal on a preferred list
6 and appointments or promotions made during that period to the
7 person's former duties in the classification or grade shall
8 be made in the order of greater seniority from the preferred
9 lists.

10 Sec. 132. Section 403.6, unnumbered paragraph 1, Code 2009,
11 is amended to read as follows:

12 The provisions of this chapter shall be liberally
13 interpreted to achieve the purposes of this chapter. Every
14 municipality shall have all the powers necessary or convenient
15 to carry out and effectuate the purposes and provisions of this
16 chapter, including the following powers in addition to others
17 herein granted:

18 Sec. 133. Section 403.6, subsection 19, Code 2009, is
19 amended to read as follows:

20 19. a. A municipality, upon entering into a development or
21 redevelopment agreement pursuant to section 403.8, subsection
22 1, or as otherwise permitted in this chapter, may enter into
23 a written assessment agreement with the developer of taxable
24 property in the urban renewal area which establishes a minimum
25 actual value of the land and completed improvements to be
26 made on the land until a specified termination date which
27 shall not be later than the date after which the tax increment
28 will no longer be remitted to the municipality pursuant to
29 section 403.19, subsection 2. The assessment agreement shall
30 be presented to the appropriate assessor. The assessor shall
31 review the plans and specifications for the improvements to
32 be made and if the minimum actual value contained in the
33 assessment agreement appears to be reasonable, the assessor
34 shall execute the following certification upon the agreement:

35 The undersigned assessor, being legally responsible for the

1 assessment of the above described property upon completion of
 2 the improvements to be made on it, certifies that the actual
 3 value assigned to that land and improvements upon completion
 4 shall not be less than \$.....

5 b. This assessment agreement with the certification of
 6 the assessor and a copy of this subsection shall be filed in
 7 the office of the county recorder of the county where the
 8 property is located. Upon completion of the improvements,
 9 the assessor shall value the property as required by law,
 10 except that the actual value shall not be less than the minimum
 11 actual value contained in the assessment agreement. This
 12 subsection does not prohibit the assessor from assigning a
 13 higher actual value to the property or prohibit the owner
 14 from seeking administrative or legal remedies to reduce the
 15 actual value assigned except that the actual value shall not
 16 be reduced below the minimum actual value contained in the
 17 assessment agreement. An assessor, county auditor, board of
 18 review, director of revenue, or court of this state shall not
 19 reduce or order the reduction of the actual value below the
 20 minimum actual value in the agreement during the term of the
 21 agreement regardless of the actual value which may result from
 22 the incomplete construction of improvements, destruction or
 23 diminution by any cause, insured or uninsured, except in the
 24 case of acquisition or reacquisition of the property by a
 25 public entity. Recording of an assessment agreement complying
 26 with this subsection constitutes notice of the assessment
 27 agreement to a subsequent purchaser or encumbrancer of the land
 28 or any part of it, whether voluntary or involuntary, and is
 29 binding upon a subsequent purchaser or encumbrancer.

30 Sec. 134. Section 403.6, unnumbered paragraph 2, Code 2009,
 31 is amended by striking the unnumbered paragraph.

32 Sec. 135. Section 410.6, Code 2009, is amended to read as
 33 follows:

34 **410.6 Who entitled to pension — conditions.**

35 1. Any member of said departments who shall have served

1 twenty-two years or more in such department, and shall have
2 reached the age of fifty years; or who shall while a member
3 of such department become mentally or physically permanently
4 disabled from discharging the member's duties, shall be
5 entitled to be retired, and upon retirement shall be paid out
6 of the pension fund of such department a monthly pension equal
7 to one-half the amount of salary received by the member monthly
8 at the date the member actually retires from said department.
9 If any member shall have served twenty-two years in said
10 department, but shall not have reached the age of fifty years,
11 the member shall be entitled to retirement, but no pension
12 shall be paid while the member lives until the member reaches
13 the age of fifty years.

14 2. Upon the adoption of any increase in pension benefits
15 effective subsequent to the date of a member's retirement,
16 the amount payable to each member as regular pension shall be
17 increased by an amount equal to sixty percent of any increase
18 in the pension benefits for the rank at which the member
19 retired.

20 3. Pensions payable under this chapter shall be adjusted as
21 follows:

22 ~~1.~~ a. On each July 1 and January 1, the monthly pension
23 authorized in this chapter payable to each retired member and
24 to each beneficiary, except children, of a deceased member
25 shall be recomputed. The applicable formulas authorized in
26 this chapter which were used to compute the retired member's or
27 beneficiary's pension at the time of retirement or death shall
28 be used in the recomputation except the earnable compensation
29 payable on each July 1 or January 1 to an active member having
30 the same or equivalent rank or position as was held by such
31 retired or deceased member at the time of retirement or
32 death, shall be used in lieu of the final compensation which
33 the retired or deceased member was receiving at the time of
34 retirement or death. At no time shall the monthly pension or
35 payment to the beneficiary be less than the amount which was

1 paid at the time of such member's retirement or death.

2 ~~2.~~ b. All monthly pensions adjusted as provided in this
3 section shall be payable beginning on July 1 or January 1 of
4 the year which the adjustment is made and shall continue in
5 effect until the next adjustment at which time the monthly
6 pension shall again be recomputed and all monthly pensions
7 adjusted in accordance with the computations.

8 ~~3.~~ c. The adjustment of pensions required by this
9 section shall recognize the retired or deceased member's
10 position on the salary scale within the member's rank at the
11 time of retirement or death. In the event that the rank or
12 position held by the retired or deceased member at the time
13 of retirement or death is subsequently abolished, adjustments
14 in the pensions of the member or of the member's spouse or
15 children shall be computed by the board of trustees as though
16 such rank or position had not been abolished and salary
17 increases had been granted to such rank or position on the
18 same basis as that granted to other ranks and positions in the
19 department.

20 4. At no time shall the monthly pension or payment to the
21 member be less than one hundred fifty dollars.

22 Sec. 136. Section 410.10, Code 2009, is amended to read as
23 follows:

24 **410.10 Pensions — surviving spouse — children —**
25 **dependents.**

26 1. Upon the death of any acting or retired member of such
27 departments, leaving a spouse or minor children, or dependent
28 father or mother surviving, there shall be paid out of said
29 fund as follows:

30 ~~1.~~ a. To the surviving spouse, a sum equal to one-half of
31 the deceased member's total adjusted pension as provided for in
32 section 410.6, but in no event less than seventy-five dollars
33 per month.

34 ~~2.~~ b. If there be no surviving spouse, or upon the death of
35 such spouse, then to the dependent father and mother, if both

1 survive, or to either dependent parent, if one survives, thirty
2 dollars per month.

3 ~~3.~~ c. To the guardian of each surviving child under
4 eighteen years of age, twenty dollars per month.

5 2. Effective July 1, 1991, the remarriage of a surviving
6 spouse does not make the spouse ineligible to receive benefits
7 under this section, and for a surviving spouse who remarried
8 prior to July 1, 1991, the remarriage does not make the spouse
9 ineligible to receive benefits under this section.

10 3. However, the benefits provided by this section are
11 subject to the following definitions: ~~The term "spouse"~~

12 a. "Child" and "children" mean only the surviving issue of
13 a deceased active or retired member, or the child or children
14 legally adopted by a deceased member prior to the member's
15 retirement from active service.

16 b. "Spouse" means a surviving spouse of a marriage
17 contracted prior to retirement of a deceased member from active
18 service, or of a marriage of a retired member contracted prior
19 to March 2, 1934.

20 c. Surviving spouse "Surviving spouse" includes a former
21 spouse only if the division of assets in the dissolution of
22 marriage decree pursuant to section 598.17 grants the former
23 spouse rights of a spouse under this chapter. If there is no
24 surviving spouse of a marriage contracted prior to retirement
25 of a deceased member, or of a marriage of a retired member
26 contracted prior to March 2, 1934, surviving spouse "surviving
27 spouse" includes a surviving spouse of a marriage of two
28 years or more duration contracted subsequent to retirement of
29 the member. The terms "child" and "children" mean only the
30 surviving issue of a deceased active or retired member, or the
31 child or children legally adopted by a deceased member prior to
32 the member's retirement from active service.

33 4. This section and its provisions shall be interpreted for
34 all purposes as including all surviving spouses.

35 Sec. 137. Section 411.38, subsection 1, Code 2009, is

1 amended to read as follows:

2 1. Upon the establishment of the statewide system, each
3 city participating in the statewide fire and police retirement
4 system shall do all of the following:

5 a. Pay to the statewide system the normal contribution rate
6 provided pursuant to section 411.8.

7 b. (1) Transfer from each terminated city fire or police
8 retirement system to the statewide system amounts sufficient
9 to cover the accrued liabilities of that terminated system
10 as determined by the actuary of the statewide system. The
11 actuary of the statewide system shall redetermine the accrued
12 liabilities of the terminated systems as necessary to take
13 into account additional amounts payable by the city which are
14 attributable to errors or omissions which occurred prior to
15 January 1, 1992, or to matters pending as of January 1, 1992.
16 If the actuary of the statewide system determines that the
17 assets transferred by a terminated system are insufficient to
18 fully fund the accrued liabilities of the terminated system
19 as determined by the actuary as of January 1, 1992, the
20 participating city shall pay to the statewide system an amount
21 equal to the unfunded liability plus interest for the period
22 beginning January 1, 1992, and ending with the date of payment
23 or the date of entry into an amortization agreement pursuant
24 to this section. Interest on the unfunded liability shall
25 be computed at a rate equal to the greater of the actuarial
26 interest rate assumption on investments of the moneys in the
27 fund or the actual investment earnings of the fund for the
28 applicable calendar year. The participating city may enter
29 into an agreement with the statewide system to make additional
30 annual contributions sufficient to amortize the unfunded
31 accrued liability of the terminated system. The terms of an
32 amortization agreement shall be based upon the recommendation
33 of the actuary of the statewide system, and the agreement shall
34 do each of the following:

35 ~~(1)~~ (a) Allow the city to make additional annual

1 contributions over a period not to exceed thirty years from
2 January 1, 1992.

3 ~~(2)~~ (b) Provide that the city shall pay a rate of return on
4 the amortized amount that is at least equal to the estimated
5 rate of return on the investments of the statewide system for
6 the years covered by the amortization agreement.

7 ~~(3)~~ (c) Contain other terms and conditions as are approved
8 by the board of trustees for the statewide system.

9 (2) In the alternative, a city may treat the city's
10 accrued unfunded liability for the terminated system as legal
11 indebtedness to the statewide system for the purposes of
12 section 384.24, subsection 3, paragraph "f".

13 c. Contribute additional amounts necessary to ensure
14 sufficient financial support for the statewide fire and police
15 retirement system, as determined by the board of trustees based
16 on information provided by the actuary of the statewide system.
17 Sec. 138. Section 419.2, unnumbered paragraph 1, Code 2009,
18 is amended to read as follows:

19 A municipality shall not have the power to operate any
20 project financed under this chapter, as a business or in any
21 manner except as specifically provided in this chapter. In
22 addition to any other powers which it may now have, each
23 municipality shall have the following powers:

24 Sec. 139. Section 419.2, unnumbered paragraph 2, Code 2009,
25 is amended by striking the unnumbered paragraph.

26 Sec. 140. REPEAL. Section 321.33, Code 2009, is repealed.

27 DIVISION III

28 CORRECTION OF INTERNAL REFERENCES

29 Sec. 141. Section 9E.6A, subsection 1, Code 2009, is amended
30 to read as follows:

31 1. Each person performing a notarial act pursuant to section
32 9E.10 must acquire and use a stamp or seal as provided in this
33 chapter. However, this section shall not apply to a notarial
34 act performed by a judicial officer as defined in section
35 602.1101, if the notarial act is performed in accordance with

1 state or federal statutory authority, and shall not apply to a
2 certification by a chief officer or a chief officer's designee
3 of a peace officer's verification of a uniform citation and
4 complaint pursuant to section 805.6, subsection 5 3, paragraph
5 "c".

6 Sec. 142. Section 321.34, subsection 11B, paragraph c, Code
7 2009, is amended to read as follows:

8 c. The special fee for letter-number designated motorcycle
9 rider education plates is thirty-five dollars. The fee for
10 personalized motorcycle rider education plates is twenty-five
11 dollars, which shall be paid in addition to the special
12 motorcycle rider education fee of thirty-five dollars. The
13 fees collected by the director under this subsection shall
14 be paid monthly to the treasurer of state and deposited in
15 the road use tax fund. The treasurer of state shall transfer
16 monthly from the statutory allocations fund created under
17 section 321.145, subsection 2, to the department for use in
18 accordance with section ~~321.180B, subsection 6~~ 321.179, the
19 amount of the special fees collected in the previous month for
20 the motorcycle rider education plates.

21 Sec. 143. Section 321.46, subsection 3, paragraph f, Code
22 2009, is amended to read as follows:

23 f. If the credit allowed exceeds the amount of the annual
24 registration fee for the vehicle acquired, the owner may claim
25 a refund under section 321.126, subsection 6 1, paragraph "f",
26 for the balance of the credit.

27 Sec. 144. Section 321.145, subsection 2, paragraph b,
28 subparagraph (2), Code Supplement 2009, is amended to read as
29 follows:

30 (2) An amount equal to two dollars per year of license
31 validity for each issued or renewed driver's license which is
32 valid for the operation of a motorcycle shall be credited to
33 the motorcycle rider education fund established under section
34 ~~321.180B~~ 321.179.

35 Sec. 145. Section 419.11, unnumbered paragraph 1, Code

1 2009, is amended to read as follows:

2 Any municipality acquiring, purchasing, constructing,
 3 reconstructing, improving, or extending any industrial
 4 buildings, buildings used as headquarters facilities or
 5 pollution control facilities, as provided in this chapter,
 6 shall annually pay out of the revenue from such industrial
 7 buildings, buildings used as headquarters facilities or
 8 pollution control facilities to the state of Iowa and to the
 9 city, school district and any other political subdivision,
 10 authorized to levy taxes, a sum equal to the amount of tax,
 11 determined by applying the tax rate of the taxing district to
 12 the assessed value of the property, which the state, county,
 13 city, school district, or other political subdivision would
 14 receive if the property were owned by any private person or
 15 corporation, any other statute to the contrary notwithstanding.
 16 For purposes of arriving at such tax equivalent, the property
 17 shall be valued and assessed by the assessor in whose
 18 jurisdiction the property is located, in accordance with
 19 chapter 441, but the municipality, the lessee on behalf of
 20 the municipality, and such other persons as are authorized
 21 by chapter 441 shall be entitled to protest any assessment
 22 and take appeals in the same manner as any taxpayer. Such
 23 valuations shall be included in any summation of valuations in
 24 the taxing district for all purposes known to the law. Income
 25 from this source shall be considered under the provisions of
 26 section 384.16, subsection 1, paragraph ~~"b"~~ "a", subparagraph
 27 (2).

28 Sec. 146. Section 809A.3, subsection 4, paragraph b, Code
 29 2009, is amended to read as follows:

30 b. A second or subsequent violation of section 321J.4B,
 31 subsection 2, paragraph ~~"b"~~ "a", subparagraph (2).

32 DIVISION IV

33 EFFECTIVE DATE

34 Sec. 147. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
 35 APPLICABILITY.

1 1. The section of this Act repealing section 294A.22, being
2 deemed of immediate importance, takes effect upon enactment and
3 applies retroactively to July 1, 2009.

4 2. The section of this Act amending section 435.2, being
5 deemed of immediate importance, takes effect upon enactment and
6 applies retroactively to July 1, 2009.

7 3. The section of this Act adding a section to 2009 Iowa
8 Acts, chapter 133, takes effect upon enactment and applies
9 retroactively to July 1, 2009.